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Terrorists give U.S. the finger

With the integration of separate fingerprint systems used by the FBI and the Border Patrol still at least four years away, the United States remains vulnerable to known criminals and terrorists, according to a critical report released in March by the Justice Department's Inspector General.

It will take until 2008 — two years behind schedule — before the bureau's Integrated Automated Fingerprint Identification System (IAFIS) system and the Border's Patrol's Ident system can be combined, said Inspector General Glenn A. Fine. In the meantime, thousands of aliens who should be detained will instead be released because Border Patrol agents could not find their criminal or deportation histories, he said. They will simply be returned to their home countries, free to try and re-enter the United States.

A \$200-million plan to merge the two identification systems was unveiled in 2000 after Border Patrol agents returned an alleged serial killer to Mexico because they could find no computer record stating that he was wanted by both federal and local authorities. [See LEN, March 31, 2000.]

Angel Maturino-Resendez, dubbed the "railroad killer," was sentenced to death in May 2000 for one of the nine murders he is suspected of committing during a three-state killing spree the previous year.

He was picked up by two Border Patrol agents on June 2, 1999, for illegally entering the U.S. The agents said they were unaware that Maturino-

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Are we having funds yet? Fed allocation formula wins few fans

With the possible exception of those from Wyoming or the United States territories of American Samoa and the Northern Mariana Islands, there appear to be few if any law enforcement or municipal officials who would disagree that the government's current formula for distributing homeland-security funds — which is based on population rather than threat level — needs to be eliminated.

But experts caution that even if such a move were to occur — as President Bush's 2005 budget has proposed — there remains no guarantee that major cities such as New York and Washington would get any bigger share of the pie than they do now.

Last year, some \$4.28 billion in federal grant money was dispersed by the Department of Homeland Security using a formula that weights population density by a factor of six, critical infrastructure by a factor of nine, and threat level by a factor of three. Each state is guaranteed a minimum amount.

The result has been that Wyoming, with a population of roughly 500,000, receiving



Money for protective gear, but what about the personnel to fill the suits?

\$33.5 million, or \$67.13 per capita, while New York, with more than 19 million people, received \$181 million, or an average of about \$9.45 per person.

Another example that has many officials up in arms was the federal grant of \$7 million, or about \$100 per capita, to the Northern Mariana Islands, an archipelago of

69,000 people in the western Pacific Ocean. In the past 18 months, the jurisdiction has received \$11 million in total.

Micronesia, the Marshall Islands and Palau have also received money under the formula. Former U.S. territories that have been independent for decades, the island chains have received \$4.5 million since 2002.

By comparison, New York City's two Long Island suburbs, Suffolk and Nassau counties, have received just \$4.1 million and nearly \$11 million, respectively.

"There's no question in my mind we've been wasting money," said James Carafano, a homeland security expert at the Heritage Foundation told New York Newsday.

Bush's \$2.4-trillion budget proposal, unveiled on Feb. 2, does away with the population-based formula and replaces it with one that allocates funds based on level of threat. The move was applauded by New York City officials who had embarked on a lobbying campaign aimed at getting the formula changed.

"Washington is listening to us, abandon-
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With biochem terror no longer "unthinkable," NYPD gets ready

Forced to think the unthinkable, as New York City Police Commissioner Raymond W. Kelly put it, the N.Y.P.D. has put together over the past year a response, which experts contend is unrivaled in the nation, to a potential catastrophic attack using chemical, biological or nuclear weapons.

"We're thinking about the unthinkable — what a few years ago was the unthinkable," said Kelly in an interview with The New

York Times. "It's something we're trying to take head-on, but the scope and magnitude of the problems are daunting."

Among the drills and training exercises being conducted by the New York City Police Department are those that will prepare officers for their role in a sweeping citywide plan to get emergency antibiotics to every resident after an attack with biological weapons.

The plan, which was formulated prior to the Sept. 11, 2001, terrorist attacks, would involve tens of thousands of city workers and volunteers, and at least a dozen agencies. More than 200 points of distribution, or PODs, would be set up in the five boroughs in specially selected city buildings, including public schools. New York's more than 8 million inhabitants would report to these locations for medication or vaccinations.

The department has devised its own protocol in conjunction with the city's Health Department and the Office of Emergency Management for each of the PODs. To get them up and running, a police commander has been assigned to each locality. Police would provide security outside the buildings, and school security officers inside them.

"I'm not minimizing how difficult it would be," said the city's health commissioner, Dr. Thomas R. Frieden, who used as an example a vaccination effort against smallpox in 1947. "The city vaccinated 6 million people in three weeks, so it's been done before," he told The Times.

During a daylong exercise called Operation TriPod conducted in May 2002, one POD was able to process more than 1,400 people in an hour — a far greater number than the 400-an-hour rate that would be necessary for all 200 locations to vaccinate 8 million people in five days, officials said.

The city has ruled out a plan for developing its own stockpile of medication and vaccines, choosing instead to rely on a

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Panel: Beware anti-terror complacency

In its fifth and final report to President Bush and members of Congress, an advisory panel on terrorism warned against both complacency and the loss of civil liberties in the pursuit of security, as other critical issues vie for attention in the coming years.

The 17-member Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction is known as the Gilmore Commission, for its chairman, James S. Gilmore III, a former Republican governor of Virginia. Created by Congress in 1998, the panel is scheduled to be disbanded this year.



Gilmore

Among the commission's observations was that momentum toward securing the nation seems to be waning since Sept. 11. Other issues, including the war in Iraq, a deadly flu outbreak this winter, the blackout in the Northeast last summer and Hurricane Isabel, have all served to distract federal resources and attention away from terrorism preparedness, the report said.

Commission vice chairman George Foreman, of the Virginia Office of Commonwealth Preparedness, noted: "Americans have very short memories. People are dealing with the reality of their lives today. This country doesn't do a good job at looking at the future and remembering the past."

While the creation of the Department of Homeland Security has improved the nation's readiness, said the report, better coordination is needed among federal, state and local officials. The federal government lacks "clear prioritization for the use of

scarce resources against a diffuse, unclear threat," the report noted.

The commission found significant problems in coordination among the 22 federal agencies that were consolidated to form the D.H.S. A "single grant-making entity" that would streamline a funding process now spread across several different agencies was also recommended.

The report recommends that DHS take a stronger role in developing standards for local emergency responders. Also, the nation's private sector, which owns commercial air fleets, power plants and other critical infrastructure elements, should be brought into the planning.

Of potential importance to populous states such as California or New York was the commission's urging that the federal government revise the formula used to provide homeland security funds to local and state governments. The current plan gives

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Jet gets its wings clipped so Fla. sheriff's tactical training can take off

In addition to the rappelling tower, the structures used for mock disasters and the bomb disposal depot, you can now add one Boeing 727 to the facilities at the Hillsborough County, Fla., Sheriff's Department training center in Lithia.

The 135-foot-long jet was donated to the agency last year by an Orlando air freight company. It arrived in December, all 12-feet wide and 30,000 pounds of it, minus its wings and tail. Officials said the plane will be available to any local, state or federal law enforcement agency that wants to practice its anti-terrorism tactics and homeland security response.

"This is a huge honor for us, and the training that this facility will provide is invaluable in this post-9/11 world," said Sheriff Cal Henderson.

Capital Cargo International, based in Orlando, was going to use the plane for parts when Hillsborough Deputy William Hill received a call from his brother, Ed Hill, the company's director of maintenance. Hill said the firm decided to donate the craft to law enforcement, and then learned that Henderson wanted to increase his agency's anti-terrorism training.

More than \$500,000 was raised from private businesses and in-kind donations to cover the cost of moving, reassembling and refurbishing the aircraft. The sheriff's department added approximately \$150,000 of its own money. Hill spent months working on the logistics of getting the plane to the Lithia training site. A transport company towed the plane over country roads from the Orlando International Airport to the center in roughly 10 hours.

The only other fuselage available for such exercises belongs to the FBI at its training center in Quantico, Va. That facility, however, is available only to federal law enforcement.

"Law enforcement from all over will come to Tampa Bay to ensure all Americans will continue to live free, safe and secure," said Florida Attorney General Charlie Crist.

The sheriff's department's SWAT team has already conducted an exercise at the Anti-Terrorism Training Facility. More than a dozen members of the unit jumped from tanks and helicopters, storming the plane with rifles and handguns. About 50 "passengers," who included Crist, Henderson and local disc jockey Skip Mahaffey, were told to put their hands on their heads.

Another exercise was scheduled in January by the FBI's hostage rescue team to train local agents, Tampa police and sheriff's deputies in anti-terrorism tactics.

John Walsh, host of the television program "America's Most Wanted," was the keynote speaker at the facility's dedication ceremony. The aircraft, repainted with gold and green stripes — the colors of the sheriff's office — has the show's logo on its tail. The logo was paid for by the program.

"We're gonna tell the world about one little place in Central Florida and one sheriff who has the courage to bring the private and public sectors together to say: 'We're not gonna take this laying down,'" said Walsh. "If you're dumb enough to try to come over here and terrorize us and kill our people again, you'll pay a terrible price. We're gonna be ready, we're not gonna be terrorized, and we're not gonna buckle."



The Hillsborough County sheriff's Tactical Response Team approaches the rear of the Boeing 727 jetliner during a recent training demonstration.



As "passengers" sit with hands folded on their heads, members of the sheriff's tactical team make their way through the plane.

(Photos: St. Petersburg Times)

Building bridges:

A little cultural awareness goes a long way

Knowing not to step on a prayer rug with one's shoes, or placing something on top of the Koran, can help law enforcement officers when seeking cooperation from an Arab American during the course of an investigation, according to Justice Department officials, who have launched a program whose goal is to help police and federal agents gain familiarity with Middle Eastern customs.

The program, sponsored by the department's Community Relations Service, has trained 2,000 municipal officers, immigration and FBI agents to date in various cities. But it is just one of a number of measures the Justice Department is taking to raise awareness about Muslims and Arabs. Federal officials have attended town hall-style meetings in states with large Middle-Eastern populations, including Michigan, Florida and Ohio. In other metropolitan areas, FBI officers have set up committees with Arab leaders to strengthen relations.

Soon a police training video will be offered.

During the four-hour course offered by the Community Relations Service, Lobna Ismail, an American of Egyptian descent, elicits comments from the audience on what stereotypes society might draw from her garb. Ismail is an American businesswoman who runs Connecting Cultures, a Silver Spring, Md., firm contracted by the Justice Department to conduct the training.

Interspersed with facts about the 1,400-year-old Islamic religion and culture, Ismail gives police advice. For example, she points out, many Middle Easterners will avoid eye contact, which they consider disrespectful. Officers are instructed about wearing shoes indoors, and not to write on the Koran.

At a presentation last October for an audience of 150 government officials and police at Prince George's Community College in Largo, Md., Ismail used a true-and-false quiz. Reading one statement that says that Saudi Arabia has the world's largest



Lobna Ismail

Muslim population, some yell out true. But the answer is false. "Not even close," she says. Saudi Arabia has only 18 million Muslims as compared to 200 million in Indonesia.

"Things go a lot better for us if people aren't mad at us," Sgt. Rick Reynolds, who is in charge of the training for the Hagerstown, Md., Police Department, told The Washington Post. "Our officers are only human. If they don't know the facts based on a stereotype, they could draw the wrong

conclusion about something innocent." Moreover, he said, the training "helps you understand what's permissible in a different culture."

A similar type of training was conducted in Utah by the Justice Department last summer. Shuaib-Ud Din, the imam at West Valley City's Khadeeja mosque, participated in a one-day session that focused on training law-enforcement agencies to interact with Muslim communities. It also taught Muslim leaders how best to present Middle Eastern culture to police.

The Utah program was also sponsored by the Community Relations Service. Philip Arreola, director of the C.R.S.'s Denver office, said it was "determined that it would be helpful to provide awareness in a consistent fashion."

The efforts in Utah and in other states have been received positively by Arab American and Muslim leaders.

"Despite all the outcry against the FBI, among the federal agencies... it has been the most sensitive to issues of civil liberties," said Muzaffar Chishti, a New York University law professor who has compiled a highly-critical report on domestic anti-terrorism policies. Chishti told The Post that he believed criticism of the bureau during the civil-rights movement during the 1960s provided an incentive for it to become "more sensitive."

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Practice, practice, practice...

Despite problems, terror drill viewed as a success

Despite widespread communication problems and confusion among emergency personnel, a major-disaster drill conducted in Seattle and Chicago last May has been deemed a success by a summary report from the Department of Homeland Security.

Called TopOff 2, the two-pronged exercise was the nation's largest terrorism drill. In Seattle, police, firefighters and other first-responders dealt with the simulated explosion of a "dirty bomb" and a plume of radioactive materials. The readiness drill then shifted to Chicago, where the terrorists responsible for the explosion unleashed a deadly plague. A plane crash and the capture of the terrorists was also part of the script.

While a detailed DHS report on TopOff 2, which was issued in December, remains classified, a 15-page summary said the drill "provided a tremendous learning experience," particularly for an agency that was only a few months old when the exercise took place.

The five-day drill cost an estimated \$16 million and involved more than 8,500 people from 100 federal, state and local agencies, the Red Cross, and the Canadian government. Agents from the Department of Homeland Security, the FBI and the Centers for Disease Control and Prevention handled phones at a regional operation center.

Whatever problems occurred, said the report, were likely caused by communications issues. There was a "lack of a robust and efficient emergency communications infrastructure," the summary said. The biggest problem was handling the unexpectedly large volume of calls.

Uncertainty reigned during much of the drill, as officials decided whether to raise the threat level of a specific area, reopen public transportation systems or declare an emergency.

Seattle Deputy Police Chief Clark Kimerer acknowledged the confusion, but

told The Associated Press that it was "not crippling by any stretch."

A precise reading on the fictional radioactive plume — a goal of the drill — was difficult to obtain, Kimerer said, as officials waited for computer models to develop. But that did not hurt decision-



Seattle firefighters monitor for radiation in the aftermath of a mock "dirty bomb" explosion during the two-city terrorism response drill last May.

making in the field, he noted, saying that in most cases, incident commanders assumed the plume area to be larger than it was.

"We'd rather do that than guess wrong and expose people to some risk," he said.

In Chicago, the drill exposed a serious shortage of medical supplies and hospital rooms, according to the report. Sixty-four hospitals in Illinois participated in the drill.

A follow-up to the exercise was con-

ducted in October at the Pentagon's National Defense University. The tabletop drill simulated the simultaneous release of anthrax in different type of aerosols in various cities. In addition to some three dozen senior officials, it was attended by Tom Ridge, the Secretary of Homeland Security, Norman Y. Minetta, the Secretary of Transportation, and John Gordon, head of the White House's Homeland Security Council.

The tabletop exercise, code-named Scarlet Cloud, determined that improved plans for

definitely been a fast learning curve on bioterrorism."

A number of terrorism exercises have been conducted around the country over the past several months, including a staged terrorist attack along the U.S.-Mexico border in November that involved approximately 1,200 people from 72 American and Mexican agencies.

During the first day of the three-day drill, a fake suicide bomber blew himself up inside an inspection compound at the Mariposa port of entry in Nogales. The blast set off other vehicle fires and a release of fake chlorine gas from another truck.

Over the next two days, authorities focused on dealing with victims — played by local students — their families and first responders, and identifying the dead. More than 150 business and government officials from both countries met in Tucson to discuss the commercial impact of shutting down the border of any length of time.

The availability of federal aid was also discussed, according to Frank Navarette, director of Arizona's Department of Homeland Security.

A mock cyber-terrorist attack took place in Nueces County, Texas, last September, although it was only in January that the public was informed that a loss of power to traffic lights and large retail stores and homes in the area was part of a drill.

The secrecy surrounding the exercise, and its outcome, has become an issue. While the Nueces Electric Cooperative will be privy to a report, the public will not.

Nueces Electric delivers power generated by the South Texas Electric Cooperative to about 9,000 commercial and residential customers in eight South Texas counties. Its network is part of a nationwide power grid.

Employees were not told that they were participating in a drill. They were fed false data and fictional news about national, international and local events. The exercise lasted for eight hours.

Mark Fabro, chief security scientist for the Virginia-based American Management Systems, the firm contracted by the state to conduct the drill, said disclosing specific lessons learned during the exercise would only increase the power grid's vulnerability.

"This was a detailed exercise dealing with highly sensitive information about a part of the country's critical infrastructure," he told The Corpus Christi Caller-Times. "There are some things that cannot be revealed because of national security concerns. But I assure you that these exercises are tremendously useful tools."

Nor can the results be made public compulsorily under the Freedom of Information Act. A homeland security bill passed by the Texas Legislature last year includes an exemption for documents that include information on the assembly of weapons, encryption codes, and documents that reveal technical details about infrastructure vulnerability.

In some cases, drills went too well. Security guards at the Y-12 nuclear weapons plant in Oak Ridge, Tenn., repelled four simulated terrorist attacks. Their performance was so outstanding, in fact, that it led to an internal investigation which uncovered that the employees had cheated. Two of the guards had apparently seen the attack scenarios, thus making the drills "tainted and unreliable," said a spokesman for the Energy Department's inspector general.

A U.S. first, NYPD gains global reach through Interpol database

The New York City Police Department will be the first law enforcement agency in the nation to have direct access to Interpol's I-24/7 network, a high-tech tool for fighting crime and terrorism that contains the international crime-fighting organization's databases.

With access to the encrypted network, officers can instantly obtain fingerprints, photographs and other details about persons they have detained. These may include whether the suspect has a stolen passport, or is wanted for criminal activity anywhere in the world, said Interpol's General Secretary, Ronald K. Noble.

"One issue that's very important for police officers around the world is when they stop someone on the street, for them to know whether that person is known to police anywhere in the world, to know the characteristics of that criminal record that the person might have and to know whether the person is being actively searched," he said at

Interpol's Terrorism Awareness Conference hosted in November by the NYPD.

The I-24/7 uses Internet technology to link Interpol's 181 member nations to its databases. Eighty members are already connected, and the remaining ones should be linked by June. All police departments in the United States will eventually be in the system, said Noble.

"What has become obvious in the war on terror is that the major cities of the world have emerged as the true front lines," said Police Commissioner Raymond W. Kelly. "They are both the likeliest source of criminal finances and support for terrorist groups as well as the likeliest targets."

Establishing and maintaining relationships around the world are vital since Sept. 11, said Noble. In 2000, Interpol identified 219 suspected terrorists; in 2003, that figure soared to 1,489.

It is not any specific threat, but the growing presence of terror-related organiza-

tions abroad that has the NYPD particularly concerned, said David Cohen, the department's deputy commissioner for intelligence.

"What are they doing about it? How do they define it? How do they understand it?" he asked. "What are the methods of operation? So we can bring that back to the NYPD and better position ourselves to prevent anything from happening here."

One policy change that Interpol has instituted recently is that red notices, a wanted list for people who belong to terrorist groups, can now be issued for group members who have not committed a terrorist act. Prior to the change, a person needed to be charged with a crime before a red notice could be issued.

"This is a new and important policy change that will help police around the world keep citizens safer by helping police apprehend and extradite terrorists before they commit terrorist acts," Noble said.

Universities do their part in anti-terrorism effort

The nation's first anti-terrorism research center opened in January at the University of Southern California, one of 70 schools that competed for a grant of \$12 million from the Department of Homeland Security to develop the facility.

Around the country, money is being awarded to universities and community colleges for curriculums and programs that teach homeland security studies.

"There's a need to bring up a generation of students who can deal with this whole new environment of homeland security," Detlof von Winterfeldt, the center's co-director, told The Copley News Service. "The skills needed at the national and state level to deal with these threats require new ways of teaching and thinking."

The Homeland Security Center for Risk and Economic Analysis of Terrorism Events at U.S.C. will focus on identifying potential targets, including the protection of key infrastructure such as water lines, trains, computer systems and reservoirs.

New software will be developed that can create models of a particular terrorist scenario. Researchers, for instance, would be able to analyze an event like a dirty bomb attack on the Los Angeles Harbor Area from beginning to end.

Over the next year, researchers will review existing methods for assessing levels of threat and vulnerability, to come up with best practices in those areas, said von Winterfeldt.

A related graduate degree program is being developed by U.S.C. which will allow students to draw on the research being done at the center. The program, which is not being funded by the Department of Homeland Security, will have five core classes including public policy economics, risk assessment and decision analysis. Cybersecurity and the environment are two of the areas students will be able to specialize in.

The center's goal is to find ways of protecting targets, and analyze the cost of both preventing and recovering from attacks, The Copley News Service reported. After Sept. 11, decisions were made quickly, said Randolph Hall, the center's other co-director and an associate dean in the U.S.C. School of Engineering.

"Now we'll have the time to really study them," he said.

The center is the first of 10 that will be funded by the federal government under the Homeland Security Act of 2002. Although it initially provided for the creation of one such facility, officials subsequently decided that multiple centers that could take advantage of the nation's academic resources would be more effective.

The next two centers will examine threats to and protections for the country's food supply, said Michelle Petrovich, a spokeswoman for the Homeland Security Department's science and technology division.

Among the other projects at academic institutions being funded by the federal government is a Midwest regional center for the study of infectious diseases and bioterrorism, which will be anchored in Missouri at Washington University and the St. Louis University School of Medicine.

The center, which will be launched with a \$35-million grant from the Department of Health and Human Services, will focus on bioterrorism and natural infections. It will concentrate on "select agents" that could be used as biological weapons, such as smallpox, anthrax and plague, according to Dr. Samuel L. Stanley Jr., a medical professor at Washington University who will direct the center.

Over the next five years, the federal government plans to spend \$350 million on similar projects. In addition to the two universities in St. Louis, the Midwest center will include the University of Missouri at Columbia, the Midwest Research Institute of Kansas City and Case Western Reserve University in Cleveland.

Groundbreaking work has already been done on smallpox by researchers at St. Louis University. The new research will focus on identifying genetic factors that could lead to adverse reactions to the smallpox vaccine, said Dr. Robert Belshe, director of the Center for Vaccine Development and associate director of the new center.

In the event that a new pathogen emerges, such as the SARS virus, Stanley said the center would drop what it was doing and assist in defense against the organism. Center

organizers have also earmarked \$500,000 a year for grants to support researchers who want to enter the biodefense field. It would fund five to 10 small grants annually for scientists in academia and industry, he said.

Eight regional centers will be established, each with a lead institution and affiliates. They include Duke University; Harvard University Medical School; the New York State Department of Health; the University of Chicago; the University of Maryland at Baltimore; the University of Texas Medical Branch (Galveston), and the University of Washington.

In New York State, \$500,000 in federal funds was awarded last May to help expand a software program developed at Syracuse University's School of Information Studies, which can search and translate documents written in Arabic, Urdu, Farsi and other Middle Eastern languages through questions written in English.

The Cross-Language Information Retrieval system can already translate documents written in Spanish, French, Japanese and Chinese.

"We're talking about groundbreaking, cutting-edge technology that's going to make us all safer," said Senator Charles Schumer (D-N.Y.).

Other grants include:

¶ \$9 million from a State Department and Pentagon anti-terrorism group to the University of California at San Diego for the world's first blast simulator. The laboratory will recreate the extreme shock waves explosions cause without an actual explosion. It will enable researchers to study how buildings can be built to survive terrorist attacks.

¶ Two grants totaling \$1 million to help Ohio State University build a new facility in Wooster to research pathogens that could be used in bioterrorism.

¶ A \$1.5 million grant from New York State to create the Strategic Center for Port and Maritime Security at the State University of New York Maritime in the Bronx. The program will include research and development of security and supply-chain integrity systems, according to a report by The (New York) Daily News. Undergraduate and

graduate degree programs in security education and training will also be created.

Two-year colleges have not been left out, either. Under a proposal by the Bush administration, \$250 million in grants would go to community colleges and technical schools that have forged ties with local employers.

Cuyahoga (Ohio) Community College president Jerry Sue Thornton said her school's slice of the pie would go toward creating a public-safety center for law enforcement and health care workers. Research shows that those involved in homeland security need additional training, she told The Cleveland Plain Dealer.

The American Association of Community Colleges in January announced it would appoint a 21-member task force on homeland security training for first responders.

Called the AACC Ad Hoc Task Force on Homeland Security, the panel comprises 18 community college presidents and three senior specialists at institutions with advanced programs in defense and security. The group will coordinate existing homeland security curriculums and define a long-term strategy.

"What they're looking for are colleges that would respond as leaders in homeland security," said Frances White, president of Skyline College in San Bruno, Calif., who was appointed to the panel. "It's certainly a great opportunity for our college district."

Fla. officials urge public to send in terror tips

The public should not be shy about phoning in tips when they witness suspicious or unusual activities they believe could be connected to terrorism, say Florida law-enforcement officials.

"It's a good thing that people take the time to call," said Mark Dubina, an agent with the Florida Department of Law Enforcement who works with a regional anti-terror task force.

Even if they do not help prevent a terrorist act, phone tips can uncover other crimes, Dubina told The Tampa Tribune. There have been several instances when such tips led police to immigration fraud or drug activity.

"There's a role for the average citizen," said Miami Police Chief John Timoney in an interview with CBS News during the Code Orange alert in December. "You might remember, five out of the 19 hijackers lived right here for a full year prior to 9/11 and lived amongst us, if you will. And so...the average citizen needs to be on alert also. They must relax and enjoy themselves, but if they see something that draws their attention, that is suspicious, by all means call 911. Don't be embarrassed if it doesn't work out to be what you thought it was. No harm, no foul. Let the police check it out."

During the orange alert, Miami police maintained a visible presence around the city, in addition to coverage at the airport and seaport, said Timoney. Other locations were visited hourly by patrol supervisors or other officers, he said.

FLETC does the Charleston, with plan for new S.C. training facility

A Federal Law Enforcement Training Center is being created on a site at the former Charleston Naval Base that currently houses a U.S. Border Patrol training academy.

The 250-acre enclave at the base's southern end will include new dormitories, firing ranges, physical training facilities, classrooms and office spaces, said Gene Coon, its newly appointed director. When completed, the FLETC will provide training for 1,000 students and increase federal spending there by \$26 million.

Since 1997, when then-Attorney General Janet Reno gave her approval for the Border Patrol Academy to be opened at the base, \$40 million has been spent to create that facility. The Border Patrol was taken over by the Department of Homeland Security, which also acquired the Federal Law Enforcement Training Center in Glynnco, Ga., where training is provided to as many as 75 agencies.

Over the next several years, a growing number of federal agents will receive their initial training at the old Charleston Navy base, Coon told The Post and Courier newspaper. Training for Border Patrol officers will then slowly revert to the center in Glynnco. The Border Patrol has 125 to 150 instructors and staff officers. The Coast Guard and U.S. Probation and Pretrial Services will eventually send 75 to 100 staff officers to the Charleston facility, along with new trainees.

"We're also interested in working with local law enforcement agencies," Coon said. "We can provide training they can't get elsewhere."

Along with the Border Patrol Academy, the site is also home to the U.S. State Department's finance and passport centers, a Coast Guard vessel maintenance center and a National Oceanic and Atmospheric Administration facility. The Charleston

Naval Complex Redevelopment Authority, the state agency in charge of reuse of the base, has already begun removing private companies that hold leases within the compound.

Coon said his first order of business will be to secure the site.

"That's my first priority," he said. "We'll be constructing a security perimeter around the federal enclave so anyone who isn't authorized to be there can't drive into the enclave."

The site will fall under the jurisdiction of the North Charleston Police Department, although some tenants will provide their own security.

In addition to the perimeter fence, the base's former post office will be converted into a visitors' center, said Coon. "We'll be demolishing some old buildings and renovating others," he said. "We're a permanent establishment at the base now."

Shaking things up at borders & entry ports

As one anti-terrorism measure ended in December, another began in January.

Beginning in January, foreigners required to have visas to enter the country were digitally fingerprinted and photographed at 115 airports and 14 shipping terminals under a new program ordered by Congress after the Sept. 11 attacks.

Called US-VISIT, for United States Visitor and Immigrant Status Indicator Technology, the program replaced a controversial initiative that required Middle Easterners in the U.S. from 25 predominantly Muslim countries to register with the federal government.

On Jan. 5, some 27,420 foreigners were fingerprinted and photographed between 5:30 A.M. and 6 P.M., according to officials from the Department of Homeland Security. The new procedure allows Customs officials to instantly verify visitors' identities, and check their backgrounds to see if they are on any watch lists of suspected terrorists or criminals. Most foreigners who visit here will already have their photographs on file, and some their fingerprints, from when they applied for a visa.

In a news conference at Atlanta's Hartsfield International Airport, Homeland Security Secretary Tom Ridge said that 21 foreigners were found to be on watch lists in a two-month pilot test of the program. Some were wanted for crimes such as rape, while others had false documents.

Three visitors were found to be on watch lists on the program's first day, but they were cleared of suspicion upon further investigation, said Dennis Murphy, director of communications for the Department of Homeland Security.

Officials said the process slows the lines through customs booths by only a minute or so. "So far it's going well," Robert C. Bonner, commissioner of Customs and Border Protection, told *The New York Times*. "We are going to monitor wait times very closely just to make sure there aren't any extraordinary horrendous delays."

Border agents will take the photographs using digital cameras on desktop tripods, and electronic fingerprint machines will collect biometric information. An estimated 24 million visitors who come to the U.S. annually will be scanned at booths, including some in Canada, Ireland and the Caribbean.

By the end of 2004, foreigners will also be required to check out when they leave to ensure that they do not overstay their visas.

Their documents and fingerprints will be scanned at automated airport kiosks. The nation's 156 land-border crossings are scheduled to have the same program in place by the end of next year.

According to the Department of Homeland Security, the fingerprints and photographs will create a database for law enforcement. Securely stored, they will be made available only to authorized officials on a need-to-know basis.

Visitors from 27 countries deemed at low-risk for harboring terrorists, including Canada, Australia, Japan, New Zealand, Singapore and most European nations, will be exempt from the program if their stay as tourists is under 90 days.

In December, the federal government ended the National Security Entry Exit Registration System, which had drawn criticism from civil liberties groups. A total of 83,519 foreign visitors complied; none have been charged with terrorism-related crimes, although more than 13,000 could face deportation because they overstayed their visas. Some 143 were jailed after it was found they were wanted for other crimes.

Homeland Security Undersecretary Asa Hutchinson said the program "didn't yield sufficient leads" to justify the expense. The government, he said, would focus on individuals, rather than "whole categories" of people.

Nevertheless, visitors from 25 "countries of concern" will face additional scrutiny when they enter or leave the U.S.

Security efforts are merging along the nation's borders, and while some have applauded the combining of forces, others have voiced concerns that individual agencies' expertise is being sacrificed to a one-size-fits-all notion of security.

A cross-border enforcement effort between the U.S. and Canada launched in 1996 to stem drug smuggling in Washington state has proved to be an initiative ahead of its time, said Roy A. Hoffman, head of the Immigration and Customs Enforcement (ICE) office in Blaine, Wash.

Called the Integrated Border Enforcement Team, the units consist of members from ICE, the FBI, the Bureau of Alcohol, Tobacco, Firearms and Explosives, the Secret Service, the Royal Canadian Mounted Police, Canada Customs, the Drug Enforcement Administration, and local police departments on both sides of the border.

"We didn't have the manpower" to catch



A dog and his handler add to the patrol capabilities at a port of entry along the U.S. border with Mexico.

smugglers and illegal aliens, Hoffman told *The Washington Times*, "and a decision was made early to take advantage of the border to address cross-border crime, and that meant working together and sharing both the credit and the blame. From a prosecution standpoint, it also proved effective since we all have a vested interest."

The teams are set up in 14 locations along the 4,121-mile border. They now also hunt for terrorists and weapons of mass destruction. Since Sept. 11, IBET units have received such equipment as night-vision devices, computers, global positioning systems, sensor-systems, and automatic personnel and vehicle locators.

In Laredo, Tex., some have complained that combining the Customs Service, the Immigration and Naturalization Service, the Border Patrol and the Department of Agriculture's Quarantine Inspections unit into the Customs and Border Protection agency, a single entity under the Department of Homeland Security, will weaken security rather than bolster it.

"The way they want to combine all these agencies, it's diluting our specialties, what we were trained to do," Mauricio Vidauri, a senior customs inspector and president of the local chapter of the National Treasury Employees Union, said in an interview with *The San Antonio Express-News*. "Really, all you need to do it give us more staffing and more funding. You don't see the government combining the armed forces."

CBP officers will perform the primary inspection of people entering the U.S. It will be their decision as to whether further inspection of vehicle or individuals is necessary.

Charles Showalter, vice president of the Department of Homeland Security Council 117, which represents roughly 17,000 immigration employees, told *The Express-News* that he feared the substitution of old-school customs officers for immigration officers. "They haven't been given the tools and the resources they need to do hardcore, front-line immigration work," he said. "It's like asking a plumber to do carpentry work."

Other measures taken to improve border security include:

• A collaborative effort by the Detroit Police Department, Border Patrol, DEA, Immigration and Customs Enforcement, Canadian Pacific Railway police and the

Detroit/Wayne County Port Authority is targeting trucks and trains hauling contraband from Canada to the U.S. The Border Enforcement Security Team officers will perform inspections on commercial trucks. The initiative will be paid for with a \$3-million federal grant.

• Tribal governments are seeking an amendment to the Homeland Security Act that would make them directly eligible for funding, instead of having to wait for allocations from the state. In Arizona, the Tohono O'odam Nation controls 75 miles of border — the largest stretch of border in the nation — but has received no money. "We ourselves are sovereign nations and as such we need to have the resources come directly to us," tribal Chairwoman Vivian Juan-Saunders told *The Associated Press*.

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Homeland Security Secretary Tom Ridge (l.) helps out with the fingerprinting of an arriving foreign visitor at Atlanta's Hartsfield-Jackson airport on Jan. 5.

"Dirty bomb" seen creating mass havoc

While a "dirty bomb" might not cause the type of mass casualties that a nuclear, chemical or biological weapon would if unleashed in a U.S. city, such a weapon, formally known as a radiological dispersion device, could result in dozens if not hundreds of fatalities and cause massive financial losses, according to a year-long study funded by the Pentagon.

"The threat of a radiological attack on the United States is real, and terrorists have a broad palette of [radiological] isotopes to choose from," said the report by the Center for Technology and National Security Policy at the National Defense University. "It could cause tens to hundreds of fatalities under the right circumstances, and is essentially certain to cause great panic and enormous economic losses."

The study was released in mid-January, just days after counterterrorism officials revealed to The New York Post that a worldwide manhunt had been launched for Al Qaeda's master bombmaker, Midhat Mursi. The Bush administration, the officials said, secretly dispatched Department of Energy radiological detection teams to New York, Las Vegas, Los Angeles and Washington over New Year's Eve.

Mursi is a chemical engineer who intelligence officials say headed Al Qaeda's weapons-of-mass destruction committee and reported to Osama bin Laden's second-in-command, Ayman al-Aawahin.

The four cities were selected because they were specifically mentioned in "chatter" intercepted in December which prompted the national orange alert before the holidays.

Detection equipment was also provided for police use in Chicago, Detroit, Houston, San Diego, San Francisco and Seattle. Police used radiation pagers to patrol the Sugar

Bowl in New Orleans.

Readings were taken ahead of New Year's celebrations in New York's Times Square and on the Las Vegas Strip, as well as the Rose Bowl Parade on New Year's Day in Pasadena, Calif.

Sending out the detection teams in response to unspecified threats represents a new mission, said David Heyman, director of the homeland security program at the Center for Strategic and International Studies.

The Nuclear Incident Response Teams, drawn from the Energy Department's national labs, are believed to use Palm Pilots containing a cadmium-zinc-telluride crystal that can detect radiation, as well as handheld advanced nucleic acid analyzers. The analyzers, which are roughly the size of a videogame, can identify pathogens based on their DNA within 15 minutes. Specific information on what tools the teams use, however, is considered classified.

"Our teams are typically on calls for accidents to react to possible incidences, but we're on new ground when we deploy them for countering unexpected threats," Heyman told The Associated Press.

According to the Pentagon report, a dirty bomb — in which conventional explosives are used to disperse radiological materials over a wide area — would be "unlikely to cause mass casualties." However, it could expose hundreds of people to potentially lethal amounts of radiation. Researchers urged policymakers to take a number of steps to prepare for an attack, including stockpiling medicines to treat survivors.

"It is possible to kill a fair number of people and to sicken a lot more, such that you begin to stress the health care system," Peter D. Zimmerman, a nuclear physicist and co-author of the report, told The Washington Post. "But it is also possible to make RDDs less attractive to terrorists by becoming better prepared for dealing with them."

One of the most troubling scenarios outlined in the report would be the dispersal of contaminants without an explosion to announce the crime. In that case, it said, treatment would only be possible if victims knew they had been exposed.

In addition to the human cost, even a small dirty bomb could have a devastating impact on the economy, according to the study.

The Mall in Washington, for example, could be contaminated by a moderate-sized device containing between 1,000 and 10,000 curies of radioactivity. The cleanup required for such an incident could take years, the report said.

"An RDD is first of all an economic weapon," said researchers. "Cost estimates to restore lower Manhattan after the September 2001 attack range up to \$40 billion plus loss of economic activity. The consequences of a large or super RDD might well be more costly."

Experts say that dirty bombs are attractive to terrorists because they are technologically simple but can generate widespread fear and financial chaos. All that is needed is a means of exploding easily available radioactive materials such as cobalt or cesium. And despite tightened security, federal investigators have concluded that terrorists could obtain enough of the ingredients to create such a device.

In a study by the Energy Department released in November, investigators docu-

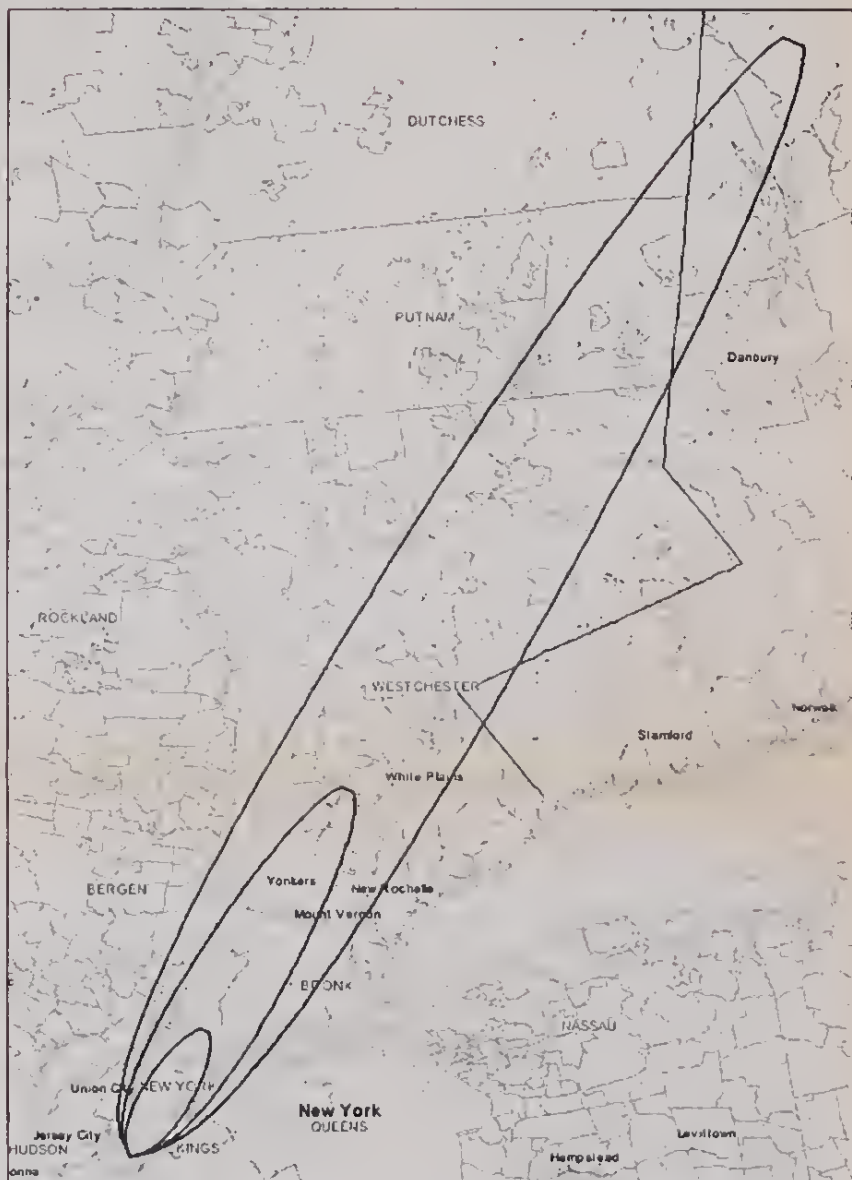
mented more than 1,300 disappearances of radioactive substances in the United States over the past five years.

"There are millions of sources," said Beth Hayden, a spokeswoman for the Nuclear Regulatory Commission. But most of the 1,300 lost materials were subsequently recovered, she said.

Among those that have not been found are 19 devices that contain small amounts of radiological materials — called sealed

Office cited by The AP said holes in the nation's security net could be years away from being repaired. Investigators found that many of the 114 universities that possess radioactive plutonium-239 have tried unsuccessfully to return it to the government, only to find that the NRC does not have enough secure storage space.

NRC Commissioner Edward McGaffigan Jr. said the GAO reports had focused on sources with extremely low radioactivity. His



The long-term contamination from a cobalt-based "dirty bomb" in New York City, as projected by the Federation of American Scientists. The inner ring represents one cancer death per 100 people due to radiation; the middle ring, one death per 1,000 people, and the outer ring, one death per 10,000 people.

sources — that were discovered missing from a locked safe at a North Carolina hospital in March 1998.

A year later, an industrial radiography camera containing the isotope iridium-192 was stolen from a Florida home. Although the material should have degraded by this point and could not be used in a bomb, according to the NRC, it was never found.

"Even though for years we have known of the threat that terrorists would use 'dirty bombs' to attack the United States, I am alarmed at the government's inadequate response to this very real threat," said Representative Jim Turner (D-Texas), a member of the House Homeland Security Committee. "The economic and health costs of such an event would be staggering. It appears we don't even know how much material exists that could be used for such weapons or even where it is being kept."

Three studies by the General Accounting

agency has been focused on securing and shipping high-risk sources.

"We think we are doing a very aggressive and excellent job in this area," he told The AP, "but we have obviously more to do."

Nukes on the loose?

U.S. intelligence officials said recently that they have no concrete evidence to support claims that terrorists had obtained portable nuclear weapons on the black market.

The boast was made by Al Qaeda's second-in-command, Ayman Al-Zawahiri, who said in an undated interview with a Pakistani journalist, "If you have \$30 million, go to the black market in central Asia, contact any disgruntled Soviet scientist, and a lot of smart briefcase bombs are available."

A report last year by the Senate Foreign Relations Committee noted that it would be difficult to stop a terrorist from smuggling such a bomb onto U.S. soil.

Terror fears keep planes grounded

At least seven national and international flights were grounded during a two-day period in February after the federal government received intelligence that Al Qaeda might use chemical, biological or radiological weapons in an aviation attack, according to an official familiar with the case.

Since December, intelligence agencies in the United States and Europe had detected signs that an airborne attack was being planned. An alert about smuggled explosives was issued by U.S. authorities in November after a British suspect was arrested for allegedly trying to sneak a bomb-making kit past airport security.

"The alert about flights did not exclude a possible chem, bio or radioactive attack last time, in December," said the official, who spoke with The Los Angeles Times on the condition of anonymity.

British Airways, Air France and Continental Airlines all cancelled flights over the weekend of Jan. 31 and Feb. 1.

The official said that a dirty bomb, chemical or biological attack has always been a concern with regard to aviation. "And that was one of the concerns in this case," the official said.

Dreaming of an orange Christmas

What prompted the heightened alert over the holidays

The nationwide Code Orange alert that began on Dec. 21 and ended on Jan. 9 was prompted primarily by a new intelligence source that officials say provided the government with specific information on the possible targets of an Al Qaeda plot during the holiday season.

In a report by USA Today in January, four top government officials told the newspaper that the new source had revealed Las Vegas to be one of the potential targets on New Year's Eve, as well as two Air France flights from Paris to Los Angeles on Christmas Day, an Aero Mexico flight from Mexico City to Los Angeles, and another Air France flight to Newark, N.J. Other sources identified possible threats to oil pipelines, refineries and nuclear power plants in or near Valdez, Alaska; Belgium; Saudi Arabia; and Tappanahock, Va.

The identity of the source is a closely guarded secret, according to the paper. Officials will not describe it as "human intel" and have suggested that it is electronic in nature. The information could have come from high-tech surveillance, said USA Today, including intercepted emails or other communications from an unsuspecting member of the terrorist organization.

Information that led to the orange alert began on Dec. 5 when the source provided specific details on an attack on Las Vegas planned for New Year's Eve and the possibility of blowing up as many as three international flights, according to USA Today. Over the next two weeks, officials were receiving more information from the source, along with less specific reports from other intelligence sources.

The new source is considered a breakthrough for U.S. intelligence, said the article, because it provided specific information about possible targets, not just "strategic" information about Al Qaeda's desire to hit symbols of American political and economic power.

The source was known to only a few top intelligence officials prior to mid-December, said the newspaper, until hints about terrorist attacks became so compelling that other agencies were informed of its existence.

"Since 9/11, the strategic information always has been there that Al Qaeda wants to hurt us," counterterrorism officials told USA Today. "This time, in addition to that,



A public works employee in Country Club Hills, Ill., changes the town's homeland-security alert warning flag from yellow to orange on Dec. 21.

there was specific intel from what we describe and believe to be a credible source."

By Dec. 19, federal intelligence agents and local law enforcement officers began cross-checking international passenger manifests against terrorist databases before dozens of international flights left the ground. The government also investigated the names of foreign visitors whose final destination was Las Vegas.

In Las Vegas, the FBI checked hotel and airline records against watch lists in advance of a New Year's Eve celebration expected to draw as many as 300,000 people to the Strip. Southwest Airlines complied with an FBI subpoena for a record of passengers traveling in or out of the city from Dec. 22 through Jan. 4, according to The Associated Press. Moreover, a no-fly restriction was enforced by armed military helicopters in a 23-mile radius around McCarran International Airport and the Strip on Dec. 30 and Dec. 31.

On Dec. 21, for the fifth time since the threat advisory system was created in March 2002, the alert level was raised

to orange, or high. During the alert, the names of more than 14,000 people were checked against terrorism databases in case hijackers decided to hijack return flights from the U.S. to Europe. Sea marshals were also put aboard ships to stand next to captains so that terrorists could not crash vessels as they entered ports in Alaska, officials told USA Today.

Intelligence officials also began to wonder whether information provided by the new source was in some kind of code. Thinking that perhaps Al Qaeda might strike dates earlier than those mentioned by the source, USA Today reported, the Central Intelligence Agency checked the names of passengers on Air France Flight 68, which was scheduled to leave Paris for Los Angeles on Dec. 24. Four passengers were identified whose names either matched or were similar to those of suspected terrorists. There were 300 such "hits," said USA Today, out of 14,000 names. None turned out to be a terrorist, an official said.

Air France flights 68, 69 and 70 were canceled on Christmas Eve, as were three flights traveling the same route the following day. The flights would have flown in a path across Las Vegas.

"That [Dec. 24] was not the day the source reported; Christmas Day was," an official told USA Today. "But did we dissuade somebody? Maybe."

When no attacks occurred on those days, intelligence officials turned their attention to New Year's Eve. Passengers arriving on British Airways Flight 223 were questioned on Dec. 31 after the flight arrived at Dulles International Airport. The AeroMexico flight was canceled.

On Jan. 1, another British Airways flight between London and Washington was canceled, as was another AeroMexico flight. Others were delayed or diverted to Canada for a luggage check. Then from Jan. 2 through Jan. 5, three British Airways flights between London and Washington and London and Riyadh, Saudi Arabia, were canceled.

The nationwide orange alert was lowered to Code Yellow on Jan. 9, although extra security remains at some airports, ports and power plants, according to USA Today.

The city may not exist, but its value as training "site" is very real

The city of San Luis Rey sounds marvelous, almost too good to be true. With fewer than 1 million residents, it boasts first-class transportation facilities, a nightlife along its canal district, and a history that goes back nearly 300 years. There's only one hitch — it is too good to be true. It does not exist outside of a computer program.

San Luis Rey is a fiction created down to its last square mile by Teleologic Learning Co., an Atlanta, Ill., software firm, as an online learning lab for students earning their master's degrees in homeland security studies from the Naval Postgraduate School in Monterey, Calif. The course was commissioned by the U.S. Department of Homeland Security.

San Luis Rey, population 680,000, is a railroad and highway hub with a deep-sea port. Teleologic has created maps, a full-color visitors' guide and an infrastructure for the city that includes government bodies, recreational facilities and a full range of emergency services. They have even given it a history: San Luis Rey was founded in 1706 and named after a Spanish mission.

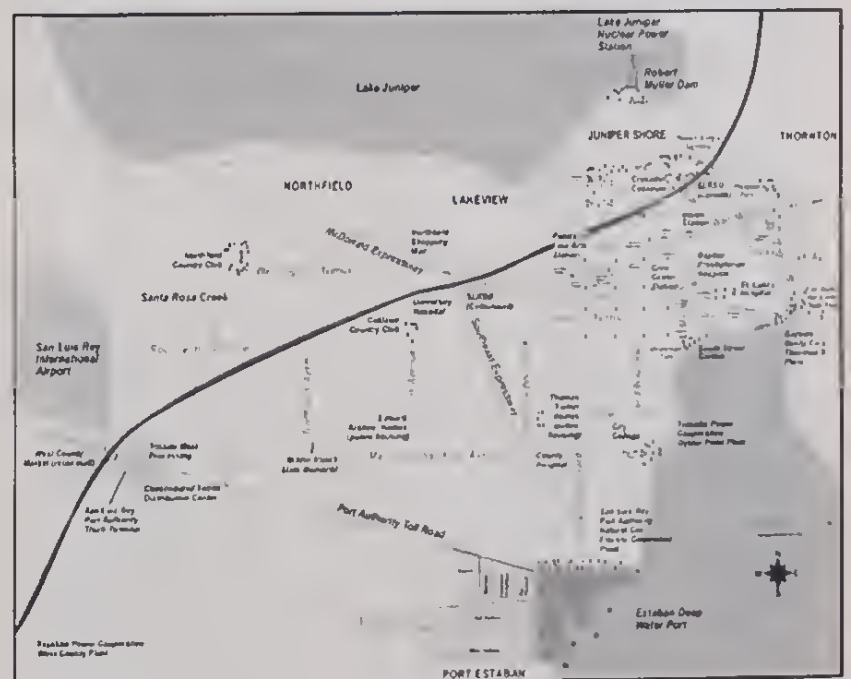
Students cover theory in class, then use the site to put what they've learned into

In San Luis Rey, training to respond to terror is just a mouse-click away

practice. In one scenario, they must decide how to contain a biological threat, when it is revealed that a terrorist infected with smallpox is on board a commuter plane that has landed at the San Luis Rey airport.

"You learn best when solving problems in context," William Thomas, senior architect at Teleologic's home office, told The State Journal-Register of Springfield, Ill. "What we've done is create the context. If a learner is going to apply something, you must do it in an environment that's believable, real."

The company designs Internet-based learning programs, primarily for the federal government, although its work is not classified. Among its projects was a series



A bird's-eye perspective of the virtual city of San Luis Rey, in a map from the training simulation created by Teleologic Learning Co. (Teleologic Learning)

that taught upper-level military officials to address domestic abuse.

The name San Luis Rey was taken from a Pulitzer Prize-winning novel by Thornton Wilder. A tale of unpredictability and fate, "The Bridge of San Luis Rey" told the story of five people walking across a suspension bridge when it breaks.

Teleologic is developing a certification program about information management,

preventive measures and counterterrorism steps aimed at first responders, including police and firefighters. It is expected to be implemented next year.

"Homeland Security realized this is good information and wanted to expand it to a wider audience," said Thomas. "This didn't start off as one of our larger projects. But as it's developed, it has turned into one of the largest we've ever done."

Heartland views of homeland security

Fargo: Some problems transcend state lines

Our first and foremost issue as it relates to both homeland security and our ability to respond to emergencies or disasters, whether natural or man-made, always seems to come back to personnel. That continues to be a frustration in terms of the role of the federal government because we're impacted in two ways. One, we continue to lose a significant number of our personnel to military call-ups. We have six officers right now who are deployed for indeterminate lengths of time who we really relied on to help us meet our patrol staffing levels. That's very frustrating because there's typically not a real clear-cut sense of how long these people will be gone, or even if there is a date when we expect them to be back. They're often back just long enough to be redeployed again. At one point we were down as many as 19 officers and that was really a hardship. We got a lot of them back, and noticed a gradual drift again of people being sort of picked off here and there, often with almost no notice for either them or us, and as I said, really indeterminate lengths of time that make staffing a real challenge, depending on what their assignment might be within the department. So that's hard.

The other issue in terms of personnel is the loss of COPS program when it comes to funding new officers. I think we have really been a model community in terms of utilizing COPS funding in the way it was meant to be used, in bringing new officers on board and then keeping them. Out of all the officers hired through COPS funding over the past 10 years, none of the positions were ever eliminated or cut back. The city really put a lot of thought and effort into how we would make those long-term positions and help with the growth of the community.

With military call-ups you can't replace anybody who's called up for service. So no matter what, we're stuck with those positions being vacant until those people are returned to us by the military. However, to make matters more difficult, there's the problem of not having the COPS program anymore and not being able to add people as our community continues to grow. And it's not just the growth of the community, but the expectations of the community, particularly as they relate to homeland security and emergency preparedness and community policing, and a whole

host of other programs and services we provide which are very personnel intensive. One of the ways we were able to meet those needs was able through COPS grants, and that's not an option anymore.

What we continually see is that money that I suspect used to be forwarded into the local law enforcement block grants, all of that is now being diverted into homeland security funding, which is primarily for training and equipment — with a big emphasis on equipment. Now I won't deny that like probably any jurisdiction, we have equipment needs, but it's a reality in many communities, especially ones our size, that the equipment does not operate itself. And all the equipment in the world is not as valuable to us as individual first responders, in particular police officers, who have the eyes, the ears and the brain power to figure out how to deal with all kinds of things that are happening in the community. So it's frustrating to see there's certainly no shortage of money for various kinds of equipment, but frankly, I think we'd get a lot more mileage out of the personnel than we would out of some of the equipment. That's one of our big frustrations right now.

At the same time, there are certainly issues that go beyond personnel, and one of those is radio interoperability. We recently, for example, were able to combine our dispatch centers in Moorhead, Minn. — the Red River divides Minnesota from North Dakota — and so we were able to combine our public safety dispatching between the Moorhead side of the river and the Fargo side, so we're now serving two counties and a number of communities with one cross-state public safety communications center. That's been really positive and it's actually the first of its kind in the



Chief Chris Magnus,
Fargo, N.D.

"All the equipment in the world is not as valuable to us as individual first responders, in particular police officers."

country, a cross-state regional dispatch center. We've found that the whole homeland security structure does not do very well when it comes to helping communities that are on state borders coordinate with each other — and there are quite a few of us around the country. Everything is directed toward specific states, not necessarily toward metro areas that may cross state lines — or, in some cases, even county lines. We are really a metro area of about 175,000 people. We hear so much nationally and even at the state level about the importance of regionalizing services and cooperating between jurisdictions and getting away from a parochial approach to dealing with issues and spending money smarter by doing it across boundaries. Yet the whole structure of homeland security funding, and the way that things are supported, is all very targeted either at the county level or at the state level and there is not a lot of flexibility to promote cooperation across state lines.

We fought through more obstacles than you could possibly imagine to make this new regional dispatch center a reality, and it's very exciting that it's in place. Now we would like to really do a major upgrade of our communications equipment so that we have true interoperable communications on both sides of the river and therefore in both states that make up our metro area. And we'd like to be able to talk with other communities in our larger region into rural Minnesota and rural North Dakota, where we will probably be able to provide assistance if there ever was a problem. We're having a hell of a time getting funding. We don't expect it to come solely from the federal government — we're willing to put up our own local share of that — but it's real difficult getting federal funding for radio interoperability for towers, hardware, portables, mobiles. We would like to be on a digital VHF system region-wide that would enable us all to talk back and forth.

Frankly, we think spending close to the \$20 million it would take to do that within a larger region, and \$10 million locally to do that, would be the best way we could possibly spend money in terms of homeland security preparedness, yet it's just frustrating that decisions about what we need still seem to be made at the federal level without much thought about what our local needs really are.

St. Louis: Can we afford elevated security levels?

In St. Louis the biggest issue we're trying to get funded is interoperability with the fire department in St. Louis and with other police agencies in surrounding jurisdictions. Where that is heading is still being discussed. A lot of the infrastructure issues are resolved; we think we know what targets are most vulnerable. There are always ongoing conversations about what role the local law enforcement will play in immigration issues.

But funding is really the paramount issue that everyone is relying on getting resolved. We're still waiting for certain levels of equipment for our emergency response to be delivered since Sept. 11. Obviously, a lot of inventory's been depleted, and there's a lot of catching up to do. We've made some significant investments already. We've acquired what was available, and it's a day-to-day thing to find out what's been delivered and what hasn't. We've acquired a number of emergency response suits for radioactive issues, but we still had a number of those on delay.

One of the biggest focuses of the last two years for our city has been our emergency response for injuries and for medical and health issues. We had developed a system where there is online communication with the hospitals. We have a methodology for tagging patients and computerizing all that information so we know exactly where each patient has been transported and what their status is.

Most urban areas are facing budget constraints that are going to decrease the number of officers we have. When it comes to things like COPS funding and the like, it's questionable whether most departments can maintain those kinds of funding mechanisms any longer. I have a half-dozen or so officers that are on military call, but that hasn't been a major problem for St. Louis.

Philosophically, we're always kind of uncertain of what

the protocols mean when we go from one alert level to another. I guess we're always asking ourselves, "How does that affect my jurisdiction?" We talk to the FBI with regularity, and what I'm trying to communicate is that there are a couple of fundamental issues, what is my response supposed to be when we elevate levels of security? The first consideration I have to be concerned about, in deliberating what my response will be, is can I afford it? And then I have to balance the cost against how practical it is based on the potential threat to my community. You're kind

of trapped. The news media calls you and says "What are you going to do since they went up to level whatever," and the first thing that runs through your mind is that you don't want to say "Nothing." But by the same token, what really goes through your mind is, "What's the threat against St. Louis?" What's the balance on cost and how long can I maintain it? The first time we went to level orange, it cost me half a million dollars the first week. It didn't take long to learn the lesson that I can't do that very often or I'm not going to be able to keep the organization flowing the way it's supposed to.

So you make an assessment, a judgment predicated on what tangible intelligence you have. Generally I usually secure some infrastructure, try to get private entities to help



Chief Joe Mokwa,
St. Louis

"Protocols for orange alerts are still in local hands because the federal government doesn't want to pay the bill."

take up some of the slack, to the extent they can afford it, by hiring private security on some things we share jointly. You just try to make the best assessment you can, where you are most vulnerable and what level of resources you are going to dedicate to that. Before we ever went to orange, we designed protocols that were pretty stringent and required a lot of resources, because your first reaction is, "If we go to orange, it really is going to be a threatening situation." But as we went to level orange two or three times, the more reasonable assessment is, "Hey, is there intelligence focused in our part of the country?" How practical is it for me to put officers on alert and work extra shifts and all those kinds of things every time we get this issue?

Protocols for orange alerts are still in local hands because the federal government doesn't want to pay the bill if they decide it. It helps me as long as I'm convinced that if there was something I really needed to know, they'd tell me. So I guess what's occurred is that now there is a perception, at least in my mind, that if no one tells me anything specifically focused on St. Louis, you presume you're not the target of the intelligence. Although you're always going to safeguard the community, you're probably not going to go to the zenith of your capabilities because you don't presume there's anything that warrants it.

During the recent Orange Alert, we secured some of the major bridges in St. Louis because we knew they were integral infrastructures to the U.S. We were very concerned when the St. Louis Rams football team was playing in the playoffs. We try to be very attentive to major events that draw a lot of people. We try and look at the key infrastructure, certain utilities, certain private corporations, anything we think is instrumental to maintaining the viability to the community.

DHS info net spreads to St. Louis

The St. Louis metropolitan area received three new laptops in February in the first phase of an expansion of a Department of Homeland Security's counterterrorism network.

Called the Joint Regional Information Exchange System (JRIES), the \$11-million computer-based communications system was designed to provide a secure method for real-time sharing of information on terrorist threats among emergency responders, law enforcement and ranking government officials. Wireless computers transmit photos, maps, streaming video and even data directly from crime scenes.

"It allows multiple jurisdictions the ability to receive and share information at the tactical level," said Frank Liburti, an undersecretary of the Department of Homeland Security. "In short, the network will be both user friendly and used by more of our friends."

St. Louis is the first urban jurisdiction in the country to be tied into JRIES. Eventually, all 50 states and 50 major metropolitan areas will be included in the expansion under the auspices of the Homeland Security Information Network. Developed in 2001 following the Sept. 11 terrorist attacks, the network is aimed at giving police chiefs, mayors and governors greater access to federal intelligence.

According to the Homeland Security Department, JRIES will serve as a "collaboration, planning and communication tool for facilitating the general homeland security mission" nationwide.

In addition, JRIES will also share information with other communication systems used by law enforcement, including the RISS.Net and LEO programs. Those programs, both sponsored by the Department of Justice, will serve as complements to JRIES, said Homeland Security officials.

Daily updates from the network will be posted directly to RISS.Net via a JRIES interface, officials said.

Police intelligence officers in St. Louis began training on one of the laptops and the JRIES system immediately, said police officials. The other two computers went to the FBI's field office and the St. Louis County police.

By the end of the year, JRIES is expected to have as many as 20,000 users. When the first step of its expansion is completed this summer, it will provide instant messaging, e-mail and live chat service for 5,000 users in 300 agencies across the country. Instead of the 12 to 24 hours needed to flash information from Homeland Security Secretary Tom Ridge's office, JRIES can do it in minutes.

John Miller, chief of the Los Angeles Police Department's counterterrorism unit, called the network "the ultimate chat room for the anti-terrorism business." He added: "If you go through the autopsy of what went wrong September 11, it wasn't that no one had the information, it was that nobody talked to their counterparts enough so that all the information ended up in one place."

Volunteer CERT units get new impetus, focus from 9/11

Created in the 1980s by the Los Angeles Fire Department to assist first-responders in the event of natural disasters, the Community Emergency Response Team has grown in both concept and application in the years after 9/11.

According to the Federal Emergency Management Agency (FEMA), which took notice of the program and began adapting it for national use in 1993, the response teams have expanded to more than 340 communities in 45 states. FEMA's stated goal is to double the number of volunteers to 400,000 over the next two years. Some \$19 million was budgeted for the training in FY2004.

"People are very interested now in being prepared, after the [Aug. 14] blackout and, of course, Sept. 11," said Maria Urton, a Dayton, Ohio, paramedic and firefighter who leads the city's CERT classes. "We'll train them how to safely shut off utilities in case the fire department isn't on the scene, how to do light search and rescue and how to assess the structural stability of damaged buildings."

The city's four-week course in October drew 20 volunteers and was paid for by a grant from the Department of Homeland Security, according to The Dayton Daily News.

In Huber Heights, Ohio, CERT training aimed at ham radio operators is being offered, with the primary focus on response to natural disasters.

"We don't want to scare people, and I think the chances of Huber Heights being hit by weapons of mass destruction are pretty slim," said Fire Chief Bill Ford. Nonetheless, he noted, the community on occasion has lost power for several days due to high winds.

"People want to help," said Urton. "We'll teach how to help safely."

Among the jurisdictions that have launched the CERT program:

¶ Sedgwick County, Kan., where 15 people completed 24 hours of CERT training in January. At least 185 additional residents are scheduled to go through the program in 2004.



First responders from the CERT squad in Pleasant Grove, Utah, address the needs of youngsters during a drill on the grounds of a local school. Federal emergency-management officials hope to enroll 400,000 CERT volunteers nationwide in the next two years.

¶ Lowell, Mass., which received a \$150,000 Congressional appropriation for the program.

¶ Arlington Heights, Ill., which offered a five-week class in October with a \$23,667 homeland-security grant.

Last summer, more than 300 New Jersey residents graduated from an eight-week training program. More than 150 graduates were from Bergen County, including 76 from Paramus alone.

Volunteers learned how to form coordinated teams, and received training in triage, search and rescue, fire suppression, disaster psychology and terrorism.

"I just wanted to do something to help," Dave Kneitel, a computer technician who worked in lower Manhattan near the World Trade Center, told The Bergen Record "I'm more aware of what's in place to protect us, and I'm more aware of what I can do to help."

Palm Beach County, Fla., has an ongoing

program with two, daylong classes administered by the county fire department. Search-and-rescue courses teach volunteers to fight small fires, and go so far as to hide mannequins under overturned mattresses in darkened rooms. Leaders are selected and teams created so the response can be coordinated if a disaster strikes.

In the neighborhood of Jupiter Farms, volunteers respond on horseback, while in Ibis, members may show up on golf carts.

"We'd like to see in every community a level of organization and training," said Len Fintzy, 65, a retired educator and chief of West Palm Beach's largest CERT at the Riverwalk gated community. There, volunteers are organized into seven teams, and can assess damage in the development's 1,400 homes in about 30 minutes, he told The Palm Beach Post.

"First and foremost, [CERT training] helps you protect yourself and your family," said Fintzy. "Second, it teaches you how to

Anti-terror concerns trump aesthetics as D.C. is wrapped in ring of security

City planners in Washington, D.C., say they are fighting a losing battle with federal agencies who argue that the need for enhanced security measures in the form of barriers, metal detectors and electrified fences around buildings and monuments trumps aesthetic concerns.

Hundreds of millions of dollars are expected to be spent in the next five to six years on fortifications. With barely 20 percent of the measures planned for designed or built, construction will continue into the foreseeable future.

Moreover, the \$192 million in federal security grants allocated by Congress since 2002 has not been enough for the city's security needs, said Margret N. Kellems, deputy mayor for public safety and justice.

"There is an extraordinary burden on resources to support a city where the federal government owns 50 percent of the real estate," she told The New York Times.

Among the new security enhancements is

a permanent 30-inch-high security wall encircling the monument grounds designed to stop a vehicular attack. Plans have also been approved to build a security perimeter around the 10 buildings that make up the Smithsonian Institution and the Department of Agriculture on the Mall. At the entrance to the Washington Monument, metal detectors and X-ray machines have been installed, as they have at the door of the Botanical Garden greenhouse.

Permanent safeguards have also been built in D.C.'s suburbs, such as an electrified fence that was installed at the National Institutes of Health in Bethesda, Md.

"I'm not sure we ever reach a point where everything has been done; it's an ongoing process," Kenneth E. Wall, an official with the Department of Homeland Security who oversees activity in the capital region, told The Times. "As threats evolve, we have to make adjustments accordingly."

But some question whether the proper

balance is being struck between security and the need for openness in the nation's capital.

"There's an ongoing struggle with certain agencies about what security means, especially when it comes to parking, sidewalks and streets," said Kellems.

The National Capital Planning Commission, the agency that, as central design planner for the capital, must approve all security changes, said it is sensitive to concerns that Washington not become "Bollard City" — after the metal posts that line the perimeters of parks and buildings.

"Every month, federal agencies come in here seeking approval of their security initiatives," Patricia E. Gallagher, the commission's executive director, told The Times. "We challenge these notions. We look at them and ask them to do threat assessment. Are they overreacting? What's the design of your response? We need to make sure they are not overreaching, but these days, we're at a disadvantage."

Links sought — but not found — in ricin cases

Assumptions and suppositions abound, but no formal connection has yet been established between the small amount of the deadly toxin ricin found in the office of Senate Majority Leader Bill Frist in February, and packages containing the substance that were found some months earlier at a South Carolina postal facility and at a White House mail-processing center.

The first ricin incident occurred on Oct. 15 at a postal facility serving the international airport in Greenville, S.C. A watertight metal container clearly marked poison held the substance, and a letter inside the package complained about new trucking regulations that require drivers to rest after 10 hours on the road. The author threatened to dump large amounts of the substance into drinking reservoirs if rest hours were not kept at their current level. The author is identified in the note as a "fleet owner of a tanker company," and signs the letter "Fallen Angel."

Officials told *The (New York) Daily News* that the sheriff's deputy who responded to the call to the mail facility did not know what ricin was, even though it appeared on the federal government's list of potential bioterrorism threats. It was not tested until nearly a week after its discovery, and only then were health officials and the general public notified.

No one has been arrested in the incident, and no one was injured. The FBI has set up a toll-free number, (866) 839-6241, for anyone with information.

The American Trucking Association has also told the thousands of truckers who participate in its safety network to be on the



Members of the U.S. Capitol Police hazardous materials team prepare to search a vehicle used by U.S. Senate Majority Leader Bill Frist after toxic ricin powder was found in a nearby Senate office building. (AFP/Getty Images)

lookout for people displaying any type of "attack planning characteristics." Between 300 and 500 calls a month are received by the network on issues including accidents and spills, said Jack Legler, director of security for the association.

With no "live suspects," federal agents have interviewed truckers, some based on tips from girlfriends and wives. Among these has been Daniel S. Somerson, a former trucker for Mail Contractors of America Inc., whose trucks brought mail to the Greenville facility. Somerson, whose Web site includes accusations of corruption within the government and the trucking industry, says the FBI is convinced that he is the "Fallen Angel" or that [he] inspired Fallen Angel" through the Internet.

"I did not do it," he told *The Washington Post*. "I don't have the technical expertise to do something like that."

On Nov. 6, a similar letter complaining about trucking regulations and signed "Fallen Angel" was discovered by the Secret Service at the White House mail-screening center. The letter, which threatened to turn Washington into a "ghost town," was kept secret until Feb. 3 when the ricin turned up in Frist's office. No letter was found there, as had been the case in the two earlier incidents.

"There's been no 'smoking letter' information that helps tie this thing together," said Chief Terrance Gainer of the Capitol Police.

Three Senate office buildings were closed after the discovery, and at least 16 people

were treated for possible exposure. Federal officials said it was unclear whether the ricin was sent through the mail or hand-delivered.

A \$100,000 reward offered by the FBI in the Greenville case was subsequently expanded to include the letter sent to the White House, as well.

The discovery of the substance in October prompted the federal government to improve its written procedures and coordination with local services, U.S. Senator Lindsay Graham, a South Carolina Republican, told *The Greenville News*.

"Looking back, it just wasn't done in a way that you would like for the system as a whole," he said. "All I can say is a lot of this we're just learning by doing. I'm hopeful that this will be an experience that makes the system better."

According to officials at the Department of Homeland Security, investigators were not called for almost 11 hours after the discovery of the ricin.

"It showed a lack of protocol, lack of evidentiary protocol from the law enforcement side and a breakdown in informing the public and the work force about potential exposures," said Graham.

While Homeland Security and postal officials would not discuss the incident in detail due to the ongoing criminal investigation, they did say that much had been learned about coordinating communications on the federal level with the state, and that ways are being found to improve that coordination.

The incident came two years after two Washington-area postal workers died and three others were hospitalized in anthrax attacks. Federal officials were criticized at that time for not quickly examining the facility where the letters were processed. Officials should have offered testing and antibiotics to postal workers and evacuated the facility, some lawmakers said.

Boston homeland security is no tea party



Former DEA agent Carlo A. Bocchia fields reporters' questions after he was named by Boston Mayor Thomas M. Menino (r.) to head the city's new four-person Office of Homeland Security. Bocchia will administer the \$40 million in federal homeland security grants that Boston will receive over the next four years, after the city was designated as one of the nation's 33 "high-threat areas." The office will oversee antiterrorism training and response plans, and will help to coordinate security plans for this summer's Democratic National Convention. (Boston Herald)

Aiding & abetting terrorism — & falsely accusing others of same

A student in Minneapolis arrested as a material witness was indicted on Jan. 21 on charges of providing material support and resources to the Al Qaeda terrorist group.

Mohammed Abdullah Warsame, 30, a Canadian citizen of Somali descent, admitted that he attended a training camp in Afghanistan at the same time as Osama bin Laden, according to unsealed court documents.

Authorities arrested Warsame on Dec. 8, and took him to New York two weeks later. He was held without bond during a court hearing in the Southern District of New York. It is not known when he will next appear in court in Minnesota, where he faces a sentence of up to 15 years in prison.

"This is pretty good evidence of how Minnesota's got the law enforcement in place that works together, and they coordinate and communicate to protect us from terrorist threats, even in the great heartland of Minnesota," said U.S. Attorney Thomas Heffelfinger.

While providing few details, the indictment says that Warsame conspired to provide material support to the terrorist organization from March 2000 until his arrest. Warsame, a student at Minneapolis Community and Technical College, was

arrested by members of the FBI's Joint Terrorism Task Force after a lengthy investigation, according to law enforcement officials who spoke anonymously to *The Minneapolis Star Tribune*. Warsame's name was kept off the public roster of inmates at the Hennepin County Jail.

In an unrelated terrorist investigation, a federal grand jury indicted an Islamic cleric who was a symbol of interfaith cooperation after Sept. 11, charging him with lying on his U.S. citizenship application 10 years ago about giving help to terrorist groups.

Fawaz Mohammed Damrah, leader of the Islamic Center of Cleveland, concealed his membership or affiliation with several organizations, including the Palestinian Islamic Jihad, said U.S. Attorney Gregory White. Palestinian Islamic Jihad has been identified by the federal government as a terrorist group.

The Palestinian-born Damrah, 41, represented the Islamic community at interfaith gatherings in Cleveland after the terrorist attacks. He pleaded not guilty in U.S. District Court on Jan. 13 and was released on a \$160,000 property bond.

In Chicago, meanwhile, a man learned the hard way that you don't have to be a terrorist

yourself to run afoul of the law — falsely accusing others of such activities will get you in hot water just as easily.

Abdul Rauf Noormohamed, 59, was arrested in January and charged with making false statements to federal agents, in which he accused family members of plotting with Osama bin Laden, as a way of getting even.

Noormohamed made repeated anonymous calls beginning in mid-December to the FBI. Though he refused to provide a name when he phoned in the tips, he was identified as the caller nonetheless. Noormohamed told agents that his relatives were "planning to launch attacks against numerous targets in Chicago."

Hundreds of hours were wasted by the FBI-led Joint Terrorism Task Force checking out the bogus information Noormohamed provided, said Thomas J. Kneir, special agent in charge of the Chicago field office.

In a statement announcing the arrest, the FBI said that the relatives Noormohamed accused were not members of Al Qaeda or any other terrorist group.

"Given our heightened state of alert, it's unconscionable for someone to exploit the situation to settle a personal vendetta," Kneir said.

Mistaken delivery bags domestic terrorists

What began in 2002 with a package containing a trove of false documents mistakenly delivered to a Staten Island, N.Y., residence is expected to end with prison sentences for two Texans and a New Jersey man who pleaded guilty to domestic terrorism-related charges.

The sentencing of William J. Krar, 62, his common-law wife Judith Bruey, 54, and Edward Feltus, 56, will cap the most extensive investigation of home-grown terrorism since the 1995 Oklahoma City bombing.

Two years ago, an envelope meant for Feltus, a resident of Old Bridge, N.J., and a member of a self-described militia group, was turned over to authorities. In addition to United Nations and Defense Department ID cards, Social Security numbers and birth certificates, the envelope also included a note: "We would hate to have these fall into the wrong hands."

Following that lucky break, federal investigators in April 2003 raided a storage facility in Noonday, Texas, not far from Krar and Bruey's home in Tyler. The investigators found nearly half a million rounds of ammunition, more than 60 pipe bombs, machine guns, silencers, and remote-controlled bombs disguised as briefcases.

The three rented storage units also contained enough chemicals to create a sodium cyanide bomb capable of killing



William J. Krar (l.) and Judith Bruey, in a sheriff's department photo.

everyone inside a 30,000-square-foot building, according to federal authorities.

However, there is still no evidence that Bruey and Krar intended to kill anyone, leading authorities to believe that co-conspirators might still be out there.

Krar pleaded guilty to one count of possessing a dangerous chemical weapon, and was sentenced to 11 years in prison. He could have been imprisoned for life, although the charge does not specify a minimum or maximum sentence. Bruey faces five years after pleading guilty to conspiracy to possess an illegal weapon. Feltus pleaded guilty to aiding and abetting the transportation of forged identification documents. He could receive up to 15 years in prison.

"There's no other reason for anyone to possess that type of device other than to kill people," said Brit Featherston, an assistant

U.S. Attorney and the federal government's anti-terrorism coordinator in Texas's eastern district. "The arsenal found in those searches had the capability of terrorizing a lot of people."

There is much to indicate Krar's potential for domestic terrorism. In 1985, he was arrested in New Hampshire for impersonating a law enforcement officer, according to an FBI affidavit. Krar stopped paying federal income taxes in 1989, and his ties to militia groups and white supremacists were investigated by agents during the mid-1990s.

In January 2003, a Tennessee state trooper stopped Krar and found two hand grenades, handcuffs, a gas mask, 16 knives and 40 wine-like bottles containing an unknown substance in his rental car. There were also a cache of handwritten notes that seemed to be written in code. To signal level of threat, the code ranged from "Lots of light storms are predicted," to "Tornadoes are expected in our area — Things very hot. Lay low or change your travel plans."

Krar told authorities the code, which also included sites for "meeting places" that included hospitals or Wal-Marts across Pennsylvania and the South, was part of a plan to help Bruey escape her ex-husband.

Still, Krar was not fully investigated until the documents he sent to Feltus ended up in the wrong hands.

Critics have charged that the case has not

gotten the same attention from the White House as it would have if Krar and the others had been members of Al Qaeda.

"Cases like this — of domestic terrorism, especially when they involve white supremacist and conservative Christian groups — don't have any political value for an administration, especially this particular administration," wrote Professor Robert Jensen, a University of Texas journalism professor, in the Dec. 5 edition of *Democracy Now*. "Therefore, if one were going to be crass and cynical, why would they highlight this? On the other hand, foreign terrorism and things connected to Arab, South Asian and Muslim groups, well those have value because they can be used to whip up support for military interventions, which this administration is very keen on."

Featherston and other prosecutors dismissed such assertions.

"There's international terrorism and domestic terrorism, but they're all terrorism," he told *The Associated Press*. "I don't care which one it is or what color their skin is. If their intention is to do harm to the citizens of this country, then all the resources necessary from the local level to the federal level will be put into the case."

The cache was uncovered due to heightened awareness following 9/11, said Featherston, but it is still a success story. "That shouldn't be criticized," he said.

Judges have their say:

Terror issues make their way through courts

Without comment, the U.S. Supreme Court in January let stand a federal appellate ruling that accepted an argument by the Bush administration against releasing the names of hundreds of mostly Muslim men who had been detained following Sept. 11, on the grounds that disclosing such information would jeopardize national security.

Providing a complete list would "give terrorist organizations a composite picture of the government investigation," a divided three-judge panel of the United States Court of Appeals for the District of Columbia Circuit had ruled last in June. "The judiciary owes some measure of deference to the executive in cases implicating national security," said the majority.

David S. Tatel, the judge who dissented in the 2-1 decision, said that by not requiring the government to show why the names of those who had been cleared of terrorist connections could not be made public, the majority had "converted deference into acquiescence."

The names of 129 detainees who were eventually charged, out of the nearly 1,000 arrested, were made public.

The lawsuit, *Center for National Security Studies v. United States Department of Justice*, was filed in October 2001 by a 22-member coalition that included the American Civil Liberties Union, Amnesty International USA and the Council of American Islamic Relations. It sought the names of the detainees, the lawyers who represented them, the dates and circumstances of each case, and any criminal charges filed, in addition to the basis for keeping the records under seal.

In August 2002, federal district judge Gladys Kessler ruled in response to a Freedom of Information Act (FOIA) suit that the government had to disclose the

names. Her decision is the one that the appellate panel overturned.

The Justice Department urged the Supreme Court not to hear the case, arguing that disclosure would "provide a road map of law enforcement's activity, strategies and methods..." The investigatory materials sought would not even be available in routine cases, the DoJ said, due to an exemption provided by the FOIA for "law enforcement records."

But attorneys for the plaintiffs countered that such information is routinely available on police blotters and was necessary for public evaluation of the government's policies.

The appeals court, said Kate Martin, director of the Center for National Security Studies, had given its blessing to "a secrecy regime in which arrests are off the public docket, people are held in secret, deported in secret, and two and a half years later, we still don't know the names."

In two other separate but related federal decisions, judges struck down parts of anti-terrorism legislation they said was so vague as to run afoul of First Amendment protections.

Judge Audrey B. Collins, of the federal district court in Los Angeles, made the first decision in the nation that strikes down any portion of the USA Patriot Act. Ruling in January in a case brought by several local humanitarian groups that work with Kurdish refugees in Turkey and Tamil residents in Sri Lanka, she agreed with their argument that a provision which prohibits anyone from providing "expert advice or assistance" to known terrorist groups was "impermissibly vague."

Said Collins: "The USA Patriot Act places no limitation on the type of expert advice or

DoJ finds no Patriot Act abuses

After examining more than 1,000 complaints filed against the USA Patriot Act during the last six months of 2003, a Justice Department investigation has found no abuses of civil rights or civil liberties related to the anti-terrorism legislation.

The probe was conducted by the department's Inspector General, Glenn Fine. Of the 162 complaints involving Justice Department employees, Fine found

17 that merited full investigation. Most of these involved excessive force or verbal abuse while in detention. Some mistreatment of Arab and Muslim inmates in federal prisons was found.

An additional 720 complaints included those made by people who claimed their dreams were being intercepted by federal agents, or who alleged that the government was broadcasting harmful signals, Fine's report said.

assistant which is prohibited, and instead bans the provision of all expert advice and assistance regardless of its nature."

Thus, she said, the law could be construed to include "unequivocally pure speech and advocacy protected by the First Amendment..."

Collins blocked the Justice Department from enforcing the provision against the plaintiffs. She sided with the government, however, in declining to grant a nationwide injunction against the agency.

The Justice Department is planning to review the decision to see if it should be appealed, said officials. It is already reviewing a ruling by the U.S. Court of Appeals for the Ninth Circuit that struck down part of a 1996 anti-terrorism law outlawing financial assistance or material support to groups deemed terrorist by the State Department.

In its ruling, the appeals court found that punishing people with as much as life imprisonment for providing "training" or "personnel" to a terror group was unconstitutional.

Another federal court decision in January

found that the Denver Police Department was entitled to withhold from civil liberties groups the staffing numbers for its multi-agency Joint Terrorism Task Force, on the grounds that it could provide useful information to those planning attacks.

The ACLU sued police last April, demanding to see a contract between the department and the FBI in order to determine whether an agreement that settled a suit over the department's so-called "spy files" was being adhered to. Police had promised that officers would stop keeping files on people attending peaceful rallies, but the ACLU contends that such events are monitored by the FBI-led task force.

A copy of the contract was provided, but with portions blacked out. According to Roger Morrison, the FBI's unit chief for the National Joint Terrorism Task Force in Washington, D.C., that was done to prevent terrorists from seeing the level of anti-terrorism resources being deployed.

District Judge Joseph Meyer ruled that the ACLU could make its determination using the redacted contract.

Few fans of federal funding formula

Continued from Page 1

ing its population-based schemes and moving more money towards New York City where it is needed," said Mayor Michael Bloomberg.

The city received some \$100 million in homeland security money during the current fiscal year—the largest chunk of federal funds in actual dollars. Bloomberg has requested four times that amount for the fiscal year beginning July 1.

In addition to the new formula, the budget calls for funding to those cities considered to be under a "high threat" of terrorism to be doubled to more than \$1.4 billion. This money would come in the form of federal funds known as Urban Area Security Initiative (UASI) grants.

New York City is one of the 50 jurisdictions across the country that would be entitled to the UASI grants. Among the others are Los Angeles, Chicago and Washington. Last year, just seven cities were on the list, and New York received 25 percent of available funds, or \$125 million. In 2004, however, it received just 6.5 percent, or \$47 million. If the same number of cities is allowed to participate in the program next year, warned Representative Anthony Weiner (D-N.Y.), New York can expect to receive \$94 million—far less than the \$400 million requested by Bloomberg.

"The mayor doesn't get it," Weiner told *The New York Sun*. "More funding is a start, but the only way it will make a real difference is if we limit the number of cities eligible to get it."

Weiner has introduced a bill that would make only 15 cities eligible for the funds.

The 2005 budget proposal also includes a government-wide increase of 14.4 percent, or \$47.4 billion, in homeland security spending. Discretionary spending would be increased by 3.1 percent, or \$28.3 billion. More than \$890 million would be allocated for aviation security—a 20 percent increase. The money would be used for bomb-detection machines, the training of federal air marshals, and other security measures.

Justice Department funding for counterterrorism and homeland security efforts would be increased by 19 percent, to \$2.6 billion. Much of it would be used to deploy nearly 400 FBI agents to new intelligence- and terrorism-related duties at home and abroad. More than 2,600 of the bureau's 11,000 agents would be permanently assigned to counterterrorism duties, a figure nearly double that prior to the Sept. 11 attacks.

Despite the seeming increase, a study by the International Association of Chiefs of Police issued in February found that spending for state and local law enforcement would actually be reduced under the 2005 budget.

Money allocated to states and subsequently to local jurisdictions by the DHS comes under three different grant programs: the State Homeland Security Grant Program (SHSG) which funds a wide range of public service agencies responsible for preparing for or responding to terrorist attacks; the Law Enforcement Terrorism Prevention Program (LETPP), designed solely for use by state and local law enforcement to cover anti-terrorism costs; and the UASI.

The only one that remains at the same level from 2004 to 2005 is the LETPP, at \$500 million. Funding for the SHSG would be cut by 58 percent, leaving public safety

agencies in all 50 states to compete for a pot of only \$700 million, compared to the current \$1.7 billion in available funds.

The UASI, while projected to increase from \$877 million to \$1.4 billion, does not apply to any jurisdiction outside of the 50 designated by the DHS.

"Clearly, under this proposal, the vast majority of law enforcement agencies who are not eligible to receive funds under the UASI will be forced to compete for funding assistance from a much smaller pool of funds," said the IACP report.

And if the UASI is excluded, the report noted, the funding levels for the vast majority of state and local public safety agencies falls by 46 percent from 2004 levels.

Although DHS's formula has come under fire primarily from densely populated areas, some smaller jurisdictions also feel that they have been shortchanged by the policy, and rightfully so, according to Representative Christopher Cox, a California Republican who chairs the House Select Committee on Homeland Security.

Funds should be disbursed on the basis of "hard-nosed threat assessment," he asserted in an op-ed published last September in *The Washington Times*. Small-population states, such as Iowa, where much of the nation's food is grown, can legitimately claim attention.

"While larger population concentrations may indeed be terror targets, [population-based distribution] is a very unsophisticated approach to what should be an intelligence driven process.... Regions such as Alaska and Wyoming that have few people are thick with defense assets, energy and other productive infrastructure," Cox noted.

Indeed, Port Huron, Mich., might have only 32,000 people living there, but it also has the Blue Water Bridge that links it to Ontario, four other international entry points, eight water plants, four power-generating plants and 30 miles of natural gas pipeline.

Testifying before the Senate Governmental Affairs Committee in February, Homeland Security Secretary Tom Ridge called the city an "extraordinary example where we had a small community that had critical infrastructure around it and in it. And yet, I don't believe they've qualified...for any additional dollars. If we had that flexibility vested in the department, I think we could address the concerns of some of those

communities easier."

Not so fast, some say. Basing distribution solely on threat would leave some states or communities without the means to maintain a basic level of security.

In West Virginia, officials are concerned that any shift to a threat-based formula would be unfair to rural areas. At \$13.79 per capita, the state is 15th overall in the distribution of homeland security funds.

"I'm not saying they don't need the money and don't need to be prepared, but you don't rob Peter to pay Paul," Charleston Emergency Services Director Mark Wolford told *The Charleston Daily Mail*.

What most concerns officials are plans to cut first-responder grants administered through the Office of Domestic Preparedness from their current level \$4.4 billion to \$3.6 billion. While UASI grants would double, they note, SHGP, or basic state formula grants, would be shaved by \$1 billion. Funding for state and local training programs would fall from \$202 million to \$87 million.

"It'll be the man or woman out there in the patrol car first," said Cabell County Sheriff Kim Wolfe, who heads the state's sheriffs association.

San Diego police officials are trying to figure out why, when the city has among the busiest border crossings in the world, an international airport and one of the largest concentrations of Navy ships, it received just \$10.5 million in the latest round of grants in January—less than half of what San Francisco received. Even Santa Ana, with less than half of San Diego's population of 1.25 million, received roughly \$14 million.

"San Francisco got far more money than we did, and I can't believe their threat is larger than ours," Police Chief William Lansdowne told *The San Diego Union-Tribune*. "We have border issues, military bases. They don't have that."

The police department itself has received less than \$500,000.

In all, the San Diego region has received \$52 million since Sept. 11, 2001. Although the city has 21 of San Diego County's top 25 potential terrorist targets, officials complain, they must compete for a share of that pot with other municipalities, including Del Mar and Coronado.

While the city did not fare well under a one-city, one-vote system set up by the county government's Unified Disaster

Council board, which coordinates contingency plans, a new method for dividing the funds should give San Diego a fairer shake, said D.P. Lee, the city's director of homeland security.

The proposal under consideration would base the allocations on which jurisdiction has the largest number of emergency workers. With 39 percent of first responders in the county, San Diego would get 39 percent of the funds.

Much of the \$52 million in the San Diego area's pot has not been spent. Some \$5 million has gone for protective suits and respirators that would be used in the event of a biological or chemical attack.

This is true in a number of states and localities where the flow of money has been so fast, and officials have been so hard pressed to come up with plans for using it, that they run the risk of either spending it inefficiently, or losing it.

"I don't know where all this money is coming from, but there sure is enough of it all of a sudden," Don Bartholomew, coordinator of the Fremont County, Iowa, emergency management division, told *The Associated Press*. "I think there's a lot of overkill. We're not that high on the vulnerability chart."

The federal government has pledged \$107 million for Iowa's anti-terrorism efforts. Yet of the \$37.5 million received since early 2002, less than \$11 million has been spent, according to records from the state's homeland security agency.

Polk County, which includes Des Moines, was one of 21 counties in Iowa to forfeit a total of \$78,000 in community response team grants in 2003 when it failed to use the money in time.

"To be quite frank about it, they're giving us money for things—not people," Sheriff Dennis Anderson told *The AP*. "With our shrinking budgets, our concern is the cop that shows up on the street, the firefighter that shows up at the house, the public-works department that cleans up the scene. That's the part that's missing from this equation. We've got gas masks, but where's the bodies to put them on?"

Jim Wakeman, head of operations for the Missouri State Emergency Management Agency, said, "We're in a real unusual situation where the state's drowning in red ink and we're swimming in money."

Wakeman's agency is currently tracking nearly \$68 million in grants received by the state—nearly 100 times more than his office generally monitors.

About one-third of a \$17 million bioterrorism budget has been used to hire emergency planners, disease investigators and communication specialists. At the same time, positions for investigators of sexually transmitted diseases have been cut by the state.

Such a move could leave a public health department weak in the event of a terrorist attack, say public health officials.

Missouri officials say they know the money will not continue to roll in forever, although they expect grants over the next two to three years.

Said San Diego's Lee: "Without the money, we don't have the resources to meet the breadth of this new mission, and that's being ready for weapons of mass destruction. We have limited capacity. Will I tell you what we're missing? No, I will not. That is something that can be used against us."



The Port Huron, Mich., area (lower right in map) wants a better share of homeland-security funds to protect infrastructure that includes the Blue Water Bridge (right) that links it to Ontario, Canada.



Misuse of security funds under scrutiny

The use of anti-terrorism funds by a top former Massachusetts public safety official to buy a \$17,000 plasma-screen television set may be just the tip of an iceberg, experts say, as other cities and states discover that money dispersed after Sept. 11 has found its way into projects which seem to have only a tenuous connection to homeland security.

"We're talking billions and billions, and this money ought to be spent according to national, minimum standards," said Warren B. Rudman, a former U.S. senator from New Hampshire who now chairs the homeland security task force of the Council on Foreign Relations. "Unless we get these standards in place, we're going to have money wasted."

Last fall, *The Washington Post* followed the trail of some \$324 million in anti-terrorism funds to the Washington, D.C., area over the past two years, and found that among the items acquired with the money was a half-million-dollar digital camera for mug shots by the Prince George's County, Md., Police Department.

A \$7.9 million grant was meant to buy protective gear for police officers. But officials insist that the mug shot camera was a priority, because it could be used to photograph terrorist crime scenes. Union officials, however, said police are still waiting for gas masks.

"If you don't have the proper masks, you aren't going to be able to go in and photograph anything anyway. If there was an attack, police officers and civilians would die because of our lack of preparedness," said Cpl. Anthony M. Walker, then the president of the local Fraternal Order of Police lodge, in an interview with *The Post* shortly before his death in November.

Some agencies used the homeland-

security funds to tide them over budget crises. Maryland received a \$22 million homeland security grant, of which \$1.3 million was supposed to go toward personnel at the state's public health labs. Instead, the money was used to buoy the agency after a 5 percent budget cut last year and repay the state for overtime during the anthrax attacks in 2001, according to acting director Jack Deboy.

Deboy told *The Post* that his department is no more ready to handle another such emergency than it was then, when he had to train people from other divisions to test white powder samples.

"The problem is we're not getting a nickel's worth of extra security," said Paul C. Light, a government scholar at New York University who noted that such budgetary juggling is common.

While law enforcement is arguably better prepared now, more than two years after the terrorist attacks, *The Post* noted that there is still no reverse 911 system in the region that would inform residents cut off from television or radio about emergencies, no comprehensive plan to reunite families separated during disasters, and some police are still waiting for protective gear.

Another problem is that with no strong direction from the government, jurisdictions are more or less free to set their own priorities for the funding.

Before his retirement, Virginia State Police Superintendent Gerald Massengill used \$1.4 million to arm every trooper with a M4 automatic rifle because he feared they were outgunned. The agency also plans to spend more than \$1 million for seven armored personnel carriers.

Officials in Montgomery County, Md.,

bought an \$800,000 mobile police command bus, and spent \$566,380 on audiovisual equipment, including eight plasma-screen televisions that cost \$20,000 each.

The District of Columbia used \$35,000 to outfit health workers with lettered parkas, caps and police and denim shirts. Employees would not be as comfortable during long emergency shifts in varying weather conditions wearing less expensive slip-on vests, noted Deputy Mayor Margret Nedelkoff Kellem.

In Westwood, Mass., money spent on clothing for police that seemed to have little to do with fighting terrorism is part of a federal investigation into the practices of James P. Jajuga, the former state secretary of public safety.

In addition to his questionable purchase of the \$17,000 plasma TV, Jajuga is accused of using anti-terrorism funds to benefit himself and his friends. Among the allegations is that he approved \$1.8 million in grants to the University of Massachusetts at Lowell on the condition the school give contracts or jobs to four of his former political aides or advisers. According to the university's records, Jajuga aides were paid more than \$325,000 between 2001 and 2003.

Richard St. Louis, a former adviser to Jajuga and himself the target of an FBI probe, was paid \$106,144 from grant money to develop a curriculum for practical skills, according to a report by *The Boston Globe*.

St. Louis is a principal in Crest Associates,

a consulting firm that has helped municipal, state and county agencies apply for and administer federal grants coming through the public safety agency.

The Westwood Police Department spent \$13,000 of a \$75,000 grant for the creation of a special response team to buy sweatpants, hooded sweatshirts, t-shirts, baseball caps, shorts and polo shirts, all with the department's logo. Some \$35,000 was also spent on top-of-the-line duty jackets and high-visibility vests, with extra charges for embroidered logos and patches, according to *The Globe*.

Christine Cole, deputy chief of staff at the Executive Office of Public Safety defended the purchases as allowable under federal guidelines.

The clothing expenditures, she told *The Globe*, "were consistent with the intent of the grant — to establish a regional rapid response team — and thus expenditure enabled all members of the team to be outfitted uniformly."

Westwood was the lead department among 40 municipalities that received \$1 million in grant money while Jajuga headed the department of public safety. That position is now held by Edward Flynn, the former police chief of Arlington County, Va.

As for the 60-inch plasma TV, Gov. Mitt Romney has asked Flynn to explore selling the set, which was purchased in 2002 at the height of the state's budget crunch.

"If we can sell it, we will," said Romney.

NYPD gears up for "the unthinkable"

Continued from Page 1

federal government stockpile that can be delivered to New York within a matter of hours.

Police are expected to play a role in securing and transporting these items, as well as providing security at hospitals.

A key issue for the N.Y.P.D. is the possible enforcement of quarantine and the isolation of those who might have been exposed to a deadly pathogen during an attack. While the N.Y.P.D. had considered developing its own plan, a strategy by the Health Department would be one of persuading those people to remain at home with the inducements of food and medical deliveries.

The 37,000-officer police force would also be strained by its efforts to keep order in a city panicked after such an attack. In addition to coping with the mass exodus that would most likely be triggered, the N.Y.P.D. would also be attempting to deter a potential secondary attack and investigate the one that had already occurred.

Kelly has been praised by terrorism experts for not opting for a theoretical "gold standard" in efforts to deter and possibly respond to a catastrophic event.

In a recent meeting with senior police commanders, he cautioned them to "be realistic" given fiscal, legal and practical constraints.

Thus, in part, has meant knowing what to reject. In addition to not creating its own pharmaceutical stockpile, the city has also said no to a plan that would have outfitted all city police units with Mark I auto-injectors, devices that carry a nerve-gas antidote. The Office of Emergency Management, city hospitals, emergency medical service and NYPD tactical teams have 100,000 of the injectors.

The problem is that they are powerless against non-nerve agents, and could cause serious adverse reactions if injected into anyone who has not been exposed. Distributing them to police would be impractical and risky, officials decided.

For more than a year, the N.Y.P.D. has been using more than 700 personal radiation detectors, checking trucks and cars on the street and in garages. The city also uses Biowatch technology, which can "sniff" the air for 15 potentially lethal pathogens. A fully automated system that would monitor the air to detect and monitor the presence of more than 100 different bacterial and viral agents within 45 minutes is being developed to operate outside.

The Autonomous Pathogen Detection System is "as close to instant detection as any system has come," said Dr. Danu-Margot Zavasky, an infectious disease specialist who was hired in 2002 as medical director of the city's counterterrorism bureau.

FBI wants to tap Internet phone calls

The ability of federal, state and local governments to protect public safety and national security would be jeopardized if online telephone calls were to be exempted from federal wiretapping provisions, according to a memo submitted to the Federal Communications Commission by representatives of the FBI and the Department of Justice.

At issue is regulation of the fast-growing technology of Internet phone service. Although it currently makes up just 1 percent of overall telecommunications revenue, calls made online are expected to transform the telecommunications industry in the next decade. Equipment revenue at companies providing the service totaled \$3.3 billion in 2003, but could grow to \$15.1 billion by 2007, according to Thomas Valovic, a program director at the technology research firm IDC in Boston.

It is possible for law enforcement to tap such calls, just more difficult. Data from voice-over-Internet calls are chopped into digital packets and sent like email. When the packets reach their destination, they are reassembled as speech. All that is needed to make such a call is an Internet connection, software and a computer or dedicated Internet telephone.

What federal law-enforcement agencies are seeking from the FCC is a ruling that would classify Internet-based telephony under the same laws that require carriers or software companies to "develop intercept solutions for lawful electronic surveillance."

According to FCC officials, the concerns raised by the Justice Department and FBI are "serious." While examining the potential

economic harm that online telephony could cause to the industry, the FCC said it would look into the wiretapping concerns.

Under the Communications Assistance for Law Enforcement Act of 1994, the FCC has been allowed to order standards to facilitate wiretapping. Wireless companies have recently been ordered to install technology that permits both eavesdropping and location tracking of cell-phone users.

By classifying Internet-based phone services as "telecommunications," under that act, companies would have to provide law enforcement with access to contemporaneous conversations, according to a report by *The New York Times*. However, it would also impose on carriers the requirements mandated by the 1996 Telecommunications Act, which ensures access to 911 emergency service and universal availability of telephones. These obligations would be so expensive, however, that Internet-telephone service providers say they would hinder development of the emerging technology.

Government and industry lawyers have proposed that the service be classified as telecommunications under the 1994 law, and as information under the 1996 act. Under that classification, Internet telephony would be exempt from the earlier surveillance law.

FCC Chairman Michael K. Powell is among those who have cautioned that attempts to regulate the technology could hamper growth.

"To regulate the Internet in the image of a familiar phone service is to destroy its inherent character and potential," said Powell. Such new technologies, he said, give people "more choice and control."

"Crystal ball" is no substitute for proper intelligence sharing

The FBI's practice of denying local and state police access to sensitive federal information in "real time" is tantamount to asking that they rely on a "crystal ball method" to ensure that terrorists do not elude their grasp, according to a former bureau official.

James Kallstrom, who retired as assistant director in charge of the FBI's New York office, and later headed the New York State Office of Public Security, testified in December before the New York State Legislature's Temporary Joint Legislative Committee on Disaster Preparedness and Response. Kallstrom and former State Police Superintendent James McMahon, his successor as head of the public security office, told legislators that the state's 70,000 officers need immediate access to federal data about security risks.

"Our state and local police have not been fully engaged or empowered to fight in the war on terrorism," said Kallstrom, who now serves as Gov. George Pataki's special advisor on security. "Not using police and sheriffs who are out there on the streets and highways and in our communities effectively in this regard, is inexcusable... we need to fine-tune their eyes and ears and properly equip them to serve as frontline by arming them with relevant, actionable information to do the job."

Without access to this data, he said, it is conceivable that someone on a terrorist watch list could be involved in a routine traffic stop, then sent on his way by an officer who did not know with whom he was dealing.

Two of the Sept. 11 hijackers had been pulled over for a traffic stop earlier in 2001, but were let go after producing what seemed like valid identification.

The state Department of Motor Vehicles

has found thousands of examples of Social Security numbers being listed in multiple driver's license applications, said Kallstrom. In one case, he said, the same number was used by 57 different people.

"Until the federal government creates an effective, timely system for cops on the beat to gain access to this critical intelligence, we are literally asking our law enforcement personnel to rely on the crystal ball method to ensure a known terrorist doesn't slip through their fingers," said Kallstrom.

Only about 300 officers in the state share information about potential terrorist threats as members of joint terrorism task forces.

In a report by the Markle Task Force on National Security in the Information Age, the federal government received poor marks in sharing information about terrorist threats with state and local authorities.

The task force, headed by the Markle Foundation's president, attorney Zoe Baird, and the founder and former chief executive of Netscape, James Barksdale, found that sharing "remains haphazard and still overly dependent on... personal relationships among known colleagues."

In a report by the Justice Department's Inspector General, the FBI was found to be making improvements in the way it shares data. A "fundamental reform is underway" at the bureau, said Inspector General Glen Fine. The FBI, he said, has taken a "series of actions" to improve its ability to communicate within its ranks and to analyze and disseminate data to outside agencies.

Fine's report pointed to such steps as an increase in the number of Joint Terrorism Task Forces, from 36 in 2001 to 84 in 2003, and expanded circulation and declassification of intelligence to state and local agencies.

The FBI has also restructured its Counterterrorism Division from two main



Information-sharing in the interest of homeland security comes up short of the mark, says a retired FBI official.

sections to nine, with a new emphasis on analysis, terrorist threats, terrorist financing and dissemination of intelligence, said the I-G's report.

Overcoming security clearance was one

of the obstacles that Fine's office cited to improving the sharing of information, along with the need for technological improvements and the establishment of policies and procedures for managing the flow of data.

A-tumbling down:

FBI dismantles an investigative wall

Like the Berlin Wall that once separated East and West Germany, the legal wall that previously existed between the FBI's investigation of criminal and intelligence cases has come crumbling down.

Under new guidelines, implemented throughout the course of 2003 and finalized last fall, agents working on either type of case will be allowed to share information. The policy change has already helped the bureau to disrupt plans for four terrorist attacks overseas and uncover a sleeper cell in the United States, according to senior FBI officials. The new guidelines have also prompted a surge in counterterrorism investigations. While the exact number is classified, officials said the figure currently

stands at 1,000 cases.

"In the past, it was an absolute cardinal rule that there be a wall between the two cases," Robert Blitzer, a former FBI counterterrorism official, told The Washington Post. "Now, you will have a much broader access to see what it going on. You can see the whole scope of things."

The overhaul began last year with a classified document called the Model Counterterrorism Investigations Strategy. In November 2002, a special intelligence appeals court ruled that the USA Patriot Act permits criminal prosecutors and intelligence investigators to more easily share information. What the Model Counterterrorism Investigations Strategy and other rules do is

facilitate the policy by putting criminal and intelligence investigators together on the same squads and investigations, according to officials.

An Oct. 1 directive sent to the agency's field offices "emphasized this is the way we're going business for the future," a senior law enforcement official told The Associated Press.

Terrorism investigations will not be run by individual field offices, but rather by the counterterrorism division at FBI headquarters in Washington. From the outset, all such cases will be classified under the same number, 315. They will be handled as intelligence or espionage investigations, which will allow agents to use methods not available in conventional criminal probes.

Previously, a case that involved a suspect believed to have tried to buy explosives would have ended with the indictment of that person for that one violation. Now, the FBI is empowered to explore how that individual had planned to use those explosives and whether he or she was part of a terrorist organization.

In November, new national security guidelines were issued by Attorney General

John Ashcroft which do not require firm evidence of a threat or a crime as grounds for conducting an initial "threat assessment" of a potential terrorist.

"With 9/11 as the catalyst for this, what we've done is fundamentally changed the approach we take to every counterterrorism case," said FBI terrorism chief John Pistole in an interview with The Post. "This is a sea change for the FBI."

Civil libertarians view the new policy as more of an end run around the Fourth Amendment, however.

"By eliminating any distinction between criminal and intelligence classifications, it reduces the respect for the ordinary constitutional protections that people have," said Joshua Dratel, an attorney who has filed briefs opposing federal anti-terrorism policies. "It will result in a funneling of all cases into an intelligence mode," he told The Post.

"The problem is that the government has very broad powers in foreign intelligence investigations that don't comply with the Fourth Amendment's usual requirements," Ann Beeson, associate legal director at the American Civil Liberties Union, told The AP.

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Beware complacency, civil liberties abuses

Continued from Page 1

each state a sum regardless of its size, and the remaining funds are divided on the basis of population. Thus a state such as California gets less funding per capita than does Wyoming.

California officials have argued that funding should be based on which regions face greater threats and have more critical infrastructure.

The commission also called for revision of the five-tiered, color-coded Homeland Advisory System, which is said "has become largely marginalized." In its place the panel suggested a system that would notify local first-responders of specific threats to their area, and would also include training to show them the preventive actions necessary for each different threat level.

A study by the RAND Corporation, which assisted the Gilmore Commission in its report, stated that the advisory system obliged local governments to cut back on other spending to pay for increased protection whenever the threat level is raised. The "warning system can cause confusion

because there has not been a willingness on the part of the federal government to help local authorities define what actions are appropriate for different threat levels," said the RAND study.

But in calling for the government to refocus its efforts, the Gilmore Commission also concluded that "...freedoms and security must co-exist equally."

The non-partisan panel has denied that its recommendations and views on civil liberties are digs at the Bush administration and Attorney General John Ashcroft.

"Nobody here, I think, has received information that says that we think that any type of abuse or any impropriety has been done," said Gilmore, a former Republican Party chairman.

Still, the commission urgently recommended the creation of an independent, bipartisan oversight board that would provide counsel on homeland security measures that might affect civil liberties, even inadvertently. The board is necessary, said the commission, because of the chilling effect of government monitoring in the



Homeland Security Secretary
Tom Ridge

name of counterterrorism.

The Terrorist Threat Integration Center would be independent of the FBI and the CIA, the commission said, and include representatives from state and local governments.

The commission said it hoped the FBI could return to its traditional responsibility

of enforcing the law and investigating crimes. Keeping intelligence collection and law enforcement separate were important to avoid the perception that the country was developing a kind of "secret police," the panel said.

The panel also expressed concern over the growing use of the military and its surveillance technology within the nation's borders.

"It now becomes essential for the Congress to legislate and for the Department of Defense to implement through clear procedures the limitations on the use of satellite imagery and other advanced technology monitoring in the United States," said the report. Increased reliance on more sophisticated technology "has vast potential for invading our privacy," it noted.

Many of the conclusions drawn by the commission were disputed by the Homeland Security Department.

Homeland Security Secretary Tom Ridge said that those who "go to work every single day concerned about some aspect of homeland security have only since 9-11 gotten stronger and more focused on their mission." The government and others are "doing everything they possibly can 24/7," he said.

Integration of fingerprint databases lags behind schedule, giving feds fits

Continued from Page 1

Resendez was wanted for questioning by the Houston police. Texas authorities, however, had sought the Immigration and Naturalization Service's help in locating him numerous times.

It was within days of his release that Maturino-Resendez is believed to have killed four of his victims. He was pressured by relatives in Mexico to turn himself in to the Texas Rangers in July 2000.

Although the Ident system was launched in 1994 — five years before IAFIS — it is not as extensive. IAFIS holds approximately 43 million 10-fingerprint sets of known criminals; Ident has 6 million, two-fingerprint sets, mostly of people who have repeatedly tried to enter the U.S. illegally. The Border Patrol has another system it uses which has an unspecified number of 10-fingerprint sets belonging to deported and criminal aliens.

Despite the Ident system's limitations, between January 2002 and April 2003 the Border Patrol used it to catch 4,820 people wanted for criminal offenses, and another 3,440 from countries thought to pose security risks to the U.S., according to the I-G's report.

Under the 2000 plan, Ident files were to be folded into IAFIS, with the FBI's system serving as a technological platform.

"Ident has been around a long time and it's fairly routine," said a Department of Homeland Security official, who spoke on condition of anonymity to The Copley News Service. The IAFIS system, which involves "rolling 10 fingers," takes much longer and as a result is not used as often.

That point was brought home again in 2002 in a case strikingly similar to that of Maturino-Resendez.

Border Patrol agents twice returned a Mexican citizen, Victor Manuel Batres, 35, to Mexico without checking his fingerprints against the FBI's database. Had they done so,

they would have found that Batres had a 15-year criminal history in the U.S. and taken him into custody.

After entering this country illegally a third time, he rode the rails to Klamath Falls, Ore., where he sexually assaulted two nuns, choking both of them with their rosaries, and murdering one of them. Batres is now serving a life sentence.

"The Batres case again illustrates the urgent need to integrate the separate automated fingerprint identification systems," said Fine, the DoJ inspector general. "We continue to believe that the integration project should remain a critical priority, and that full integration will help avoid recurrence of cases like Batres."

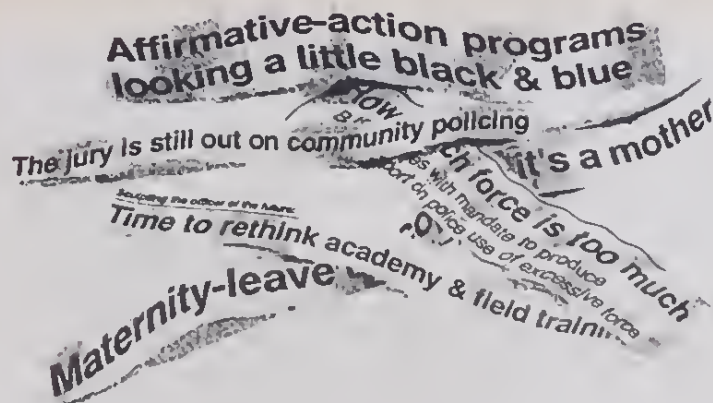
Interdepartmental coordination and technology, among other problems, has slowed the process, said investigators. Officials at the Homeland Security Department, the I-G's report said, have been focused on creating the new US VISIT program, which photographs and fingerprints foreigners at 115 airports and a dozen seaports.

Financing for system integration also remains uncertain. The Justice Department will be receiving just \$5.1 million this year for the project — \$4 million less than it had requested. According to Congressional testimony, the upgrade may cost between \$600 million and \$1 billion.

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The many faces of homeland security



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WHAT THEY ARE SAYING:

"I don't know where all this money is coming from, but there sure is enough of it all of a sudden. I think there's a lot of overkill. We're not that high on the vulnerability chart."

— Don Bartholomew, coordinator of the Fremont County, Iowa, emergency management division, one of those pointing to inequities in the federal homeland-security funding formula. (Story, Page 1.)